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A JOURNAL
OF THE
PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.
AT
ITS TENTH SESSION
COMMENCED JANUARY 2D 1832.

MONDAY 2d January 1832.

The following gentlemen appeared, and were duly qualified,
Viz :
Messrs. B. D. WRIGHT, and JOHN HUNT, from Es-
cambia.

JOHN P. BOOTH, Esqr. Walton and Washington.
Messrs. THOMAS BALTZELL, and SAMPSON POPE,
Jackson.

Messrs JOHN C. LOVE, and STITH F. JONES, Gadsden.

Messrs. W. B. NUTTALL, and NATHAN BYRD, Leon.
A. BELLAMY, Esqr. Jefferson, Hamilton, and Madison.
GABRIEL PRIEST, Esqr. Alachua.

JOHN WARREN, Duval.

JAMES G. COOPER, Nassau.

Messrs. J. S. SANCHEZ, & CHARLES ROBIOU, St. Johns.

Mr. WRIGHT, then moved that Mr. Sanchez take the chair, which being seconded and approved of; Mr. Sanchez took the chair and called the House to order.

The House then proceeded to a choice of President, when

Mr. Bellamy received 12 votes.

Mr. J. S. Sanchez, 2

and Mr. Byrd, 1

Mr. Bellamy being declared duly elected, took the chair, and returned his thanks in an address to the House.

It was then moved and seconded that the House proceed to the election of a Chief Clerk, and that a majority of the House be required to elect that officer. The motion having been adopted, on the first balloting.

Mr. Lancaster received 7 votes.

Mr. Campbell, 6

Mr. Thompson, 1

and Dr. Munroe, 1

On the second balloting,

Mr. Lancaster received seven, and Mr. Campbell eight.—Who was declared duly elected.

The House then proceeded to vote for a serjeant at arms; and Mr. Bryan was elected, receiving on the first balloting 9, Mr. C. Stone 2, Mr. Arnou 3, and Mr. Lewis 1. It was then moved that the further election of officers be postponed until to-morrow—which was decided in the negative.

Mr. BYRD, then introduced the following resolution, which after some debate was ordered to lie on the table:

“Resolved, That this House elect three enrolling and engrossing Clerks, and one door-keeper, who shall each be allowed four dollars per day, while in service—and one printer to do the printing of the House during the session.”

The House proceeded to the election of door-keeper and on 1st balloting.

Mr. Caswell received 6 votes.

Mr. Akenridge, 1

Mr. Webb, 1

Mr. Ponce, 6

Mr. Rothwell, 2

On the second Mr. Caswell received 3, Mr. Ponce 9, and Mr. Johns 2—Mr. Ponce was declared duly elected.

Mr. WRIGHT, introduced the resolution following: Resolved, That a committee be appointed to wait on His Excellency the Governor, and inform him that the Legislative Council is

now organized and ready to receive any communication he may have to make.

Messrs. Wright, Sanchez, and Love, were appointed that committee.

Mr. BYRD, introduced the resolution following, which was read and adopted:

Resolved, That a committee of three be appointed to enquire with what facility printing for this House can be done, and at what price, and that they be required to report at the meeting of this House to-morrow.

Messrs. Byrd, Sanchez, and Hunt were appointed.

Mr. WRIGHT, then moved that the rules adopted for the Government of the last Legislative Council, be adopted for the present—and that a committee of three be appointed to draft rules for the government of the House. The motion was adopted, and Messrs. Wright, Nuttall, Baltzell, and Booth, were appointed that committee.

Mr. JONES then moved that the House adjourn until to-morrow 10 o'clock.

JANUARY 3d 1832.

The House met pursuant to adjournment, and a quorum being present, proceeded to business.

The minutes of yesterday were read. Mr. Fitzpatrick from Monroe appeared, was qualified and took his seat.

Mr. WRIGHT from the Committee to wait on His Excellency, reported that, they had performed that duty and that a communication from the Acting Governor would be made in the course of this morning.

Mr. BYRD from the Committee on Printing, reported that they had performed that duty and submitted proposals from Messrs. Wilson, Smith, and Gibson; which were read and laid on the table.

The Resolution offered by Mr. Byrd on yesterday, was called up, and decided in the negative.

Mr. BOOTH moved that the House elect eight Enrolling and Engrossing Clerks:—

On this motion the ayes and nays were called for, by Mr. Baltzell, and Mr. President, with Messrs. Booth, Cooper, Jones, Love, Priest, Robiou, Sanchez, Warren, and Wright voted in the affirmative, and Messrs. Baltzell, Byrd, Fitzpatrick, Hunt, Nuttall and Pope in the negative.

The motion having been decided in the affirmative, the House proceeded to elect the Clerks, and Messrs. Fontenay, Hughes, Gunn, Roberts, Baldwin, Clayton, M'Rea, and Hawkins, were elected.

The following message was received from His Excellency the acting Gov., which having been read, Mr. Booth moved that 500 copies of the same be printed—which was agreed to.

To the Members of the Legislative Council,

GENTLEMEN:

The great Ruler of the destinies of men and of nations, has permitted your convention as the tenth Legislative Council of Florida. To render Him the homage of our praise and gratitude, for preservation in life, amid the chastenings, visited for

His own wise purposes upon many of our fellow-citizens; and for His manifold blessings upon our much favored country, should be our first and most sacred duty.

In greeting you as the chosen Representatives of the People of the Territory, assembled to exercise the high and important functions of Legislation, I entertain, I trust, a just sense of the responsibility, which the absence of the Governor and the consequent necessity of my performing the duties of that office, has imposed upon me. Especially am I conscious of the weight of the charge which as your co-adjutor in legislation devolves upon me, and wanting the experience of age, and the service being to me novel, I feel that I may well bespeak from you, and the rest of my fellow-citizens, a liberal and indulgent judgment.

The subject to which, in the fulfilment of the preliminary duty custom has assigned me on this occasion, I would first invite the notice of the Council, is that of internal improvements. I advert to this subject before any other, for the reason, that the People of Florida feel greater anxiety in regard to those works of internal improvement, which it has been anticipated, would be soon constructed by the General Government in our Territory, than any other matter which can be brought before you. Upon the construction of some of those works, the future prosperity of the Country is greatly dependant. Without means, weak, and yet in its minority, the Territory has to look wholly to its parent government for aid, and it belongs to us to make known to that government, the wishes of our citizens, the practicability of these improvements, and the advantages to be derived from them, either by resolution instructing the Delegate, or by memorial to be presented by him to Congress. The removal of obstructions to the navigation of our rivers, deepening the entrances to some of our harbours, the construction of canals and rail roads, and location, and making of other roads between certain important points, are matters of the highest importance to our citizens. Unless most of these works, are executed by the United States, they will not be commenced for a quarter of a century hence, and the growth and prosperity of the country, will in the mean time be retarded. The fact that more than 19-20ths of all the lands in Florida, are yet owned by the United States, should have great influence in inducing the rendition of the aid solicited. A report deserving the attention of the Council made by Lieut. Long of the United States Army, to citizens of Jackson County, of an examination made by him for them to ascertain the practicability and cost of a canal from the Chipola river to St. Andrew's Bay is laid before the Council, in compliance with the request of one of the members from Jackson County. It is hoped the Council will devote early and earnest attention to this important subject, and that no sectional feelings or interests be suffered to operate to the prejudice of the general good.

There is no subject involved in the scope of our duties, that I deem of more importance, to the interests of the Territory, (except that just alluded to) than the regulation by law, of the valuable fisheries, in the waters, adjacent to the islands and keys, and in the bays, and sounds, and on the coasts of our Territory, and their protection from the intrusion of foreigners. In September last, the Governor

received a communication from the State Department, informing him that the British Minister at Washington, at the instance of the Governor of the Bahama Islands, had made application to the General Government in behalf of the inhabitants of those Islands, for permission to "catch fish and turtle on the coasts of Florida;" and it requested him to furnish any information he might possess relating to the subject. The letter of Mr. Brent, acting secretary of State, and a copy of the answer of the Governor, are herewith submitted to the Council. Upon a perusal of this correspondence it will be seen that the rights and interests of the People of Florida in regard to these highly valuable natural privileges, are fully supported in the reply of the Governor; and it will, I am confident, occasion the favor asked for, to be withheld. These fisheries, are it is believed, wholly within the local jurisdiction of the Territory, and subject to the control and regulation of its Legislature. Of the practicability of making them a source of considerable revenue to our local Treasury, I do not entertain a doubt. All that is wanting is a proper and judicious law and faithful agents to execute it. I am precluded on this occasion by the limits prescribed for this paper, from any discussion of the various important questions, arising in the consideration of this subject, but the letter of the Governor to Mr. Livingston, which I have referred to the Council, notices most of them, and I entirely concur with him in the views and opinions he has there advanced. This subject was brought before the last Council by the member from Washington and Walton, but the session being too far advanced when it was introduced, to admit of its proper consideration, it was deferred. It is now again submitted to the wisdom of the Council with a hope that it will not be permitted to pass by without definitive consideration. It is advisable that the express consent of Congress to such law as you may pass on this subject be obtained before it is put into force.

In May last the Governor received a communication from Commodore Elliot, commanding Naval Officer on the West India station, stating that Lieutenant Commandant Boerum, of the United States schooner Shark, had on visit to the Island of Trinidad, procured from Sir Charles Smith, Governor thereof, several varieties of the Sugar Cane, a box containing one of which, the Congo, was deposited with a gentleman in Pensacola, subject to the Governor's orders with a view of promoting the objects of a resolution of the House of Representatives, of the U. States 25th January 1830, respecting the procurement of "such varieties of the Sugar Cane and other cultivated vegetables, grains, seeds and shrubs, as may be best adapted to the soil and climate of the United States," which resolution had been transmitted to Commodore Elliot by the Secretary of the Navy. The Governor adopted measures forthwith to have the cane disposed of in the most advantageous manner, to meet the objects of its importation. The resolution of Congress alluded to, was introduced by the Delegate from this Territory, and carried fully into execution, it is calculated ultimately to produce, and particularly with regard to us, highly important and beneficial results. Hundreds of the vegetable productions of tropical climates of great value, and some in such common use, as to be considered articles of necessity, and which we now import at high cost, could be easily cultivated in any part of our Territory. Many too tropical to flourish in West, or Middle Florida, could be reared under the more genial climate of the southern part of the Peninsula. The southern part of this continent, and South America, and China abound in trees, plants, herbs, and roots, possessing the most valuable properties, the use of which has been confined to the places of their production, but which could as well be produced and enjoyed by our own citizens. I herewith transmit to the Council, and respectfully invite their attention

to an extract of an official letter from H. Perrine, United States Consul for Campeachy, to the Secretary of the Treasury, in relation to this subject which has been published in the newspapers, and from which I have taken it. Other documents worthy of attention, are also, herewith sent to the Council. It will be noticed that Mr. Perrine is desirous that an act of the Council should be passed, incorporating himself and his associates into a company for the cultivation of tropical exotics, and he proposes to establish the plantation of the company on the southern part of the Peninsula. This enterprise should not be classed with the inflated visionary projects, of which Florida has been so prolific, and the failure of which has created so much distrust of all novel undertakings. If those who embark in it should not find it a source of gain, and should after trial abandon it, the benefits resulting to the country from the introduction of the many valuable foreign products, they will have brought among us, must be of considerable importance, and should induce us to render every encouragement and aid in our power, to promote the success of the undertaking, and although Mr. Perrine has made no direct application, I earnestly recommend the granting of a charter as he wishes, and the bestowment upon the company, of as many privileges as is compatible with the public interests. The national legislature, it is to be hoped, will afford aid to so laudable an enterprise, and one which if successful, promises to be of national benefit, by a grant of land sufficient for their use, or otherwise. I esteem it however, of paramount consequence, that an interest should be excited among the agriculturists throughout the Territory, in relation to the introduction and adoption of foreign products. The tea plant—those trees, and plants from which is procured the olive, ginger, pepper, cloves cinnamon, pimento, nutmeg, and cocoa, and many other articles of daily use in our families, could, it is believed, with care and attention, be successfully cultivated in most parts of our Territory. But the practicability of every article mentioned, being readily produced by those planters favorably located, as it regards climate, cannot be questioned. The production of these articles, if only sufficiently for our own domestic consumption, would be of immense advantage to our citizens; and if experience should prove that Florida might in a few years be looked to by our fellow-citizens of the states, for such products, the benefits resulting to the Territory, would be incalculable. If, as has been conjectured by some, we shall before many years, have more formidable competition in the raising of cotton from Mexico, South America, the East Indies, from Egypt, and from the extensive countries bordering on the Black Sea, opened to the trade of Europe, by the cannon of the allies at Navarino, it is wise for the cotton planter to prepare for the the adoption of other articles for cultivation, and in respect to those that require any considerable length of time to bring them to maturity, he should not delay. Whether the cultivation of the cane and the manufacture of sugar can be relied upon, as a certain source of profit to the Florida planter, and especially if the present duties on imported sugar are reduced by Congress, is by many regarded as problematical. But conceding these doubts to be unfounded, admitting the conjectures stated in regard to cotton, to be idle speculations, and if the experiment fails immediately to yield the planter pecuniary profit, the arguments of convenience, of independence, and of patriotism, are still in favor of the adoption & culture of every useful exotic congenial to our soil, and climate, that we can procure. The general government have offered by the resolution above mentioned, great facilities for their introduction, but for the more effectual accomplishment of this object, I suggest that a small appropriation be placed at the disposal of the executive, to meet the expenses of transportation, and other charges necessarily incident to the procurement of

seeds, &c.—and that you authorize by resolution such as may be received, to be distributed for propagation under his direction.

Commiseration for the wretched condition of the Indians located within our limits, as well as a regard for the interests of the country, constrains me to urge upon you the necessity of endeavoring, by all proper means, to induce the general government to cause their removal to the West of the Mississippi. A proper memorial from your body, exhibiting faithfully the present miserable state of these people, and the advantages of removal to them, and showing the injurious effects to the country of their continuance here, will not be disregarded; and supported as it will be by the exertions of our Representative in Congress, and other of our citizens, well informed on this subject, now at the seat of Government, may occasion the adoption of some of measures towards effecting this desirable object at the present session of Congress.

I enclose to the Council an extract from the Message of Governor Gilmer, at the opening of the present session of the Legislature of Georgia, respecting the disputed boundary line between Georgia and Florida. It appears from this extract, that the gentlemen last appointed by Georgia, to ascertain and survey this line, decided, that "the head of the St. Marys, as defined in the Treaty of 1795 was to be found at the source of its middle or western branch." The merits of this controversy, in regard as well to the facts, as to the principles of law and of right, upon which it rests, have heretofore been so fully, and ably examined, and discussed, and are so generally understood, that it is not necessary on this occasion, to offer data to show probable error in the opinions of the Georgia Commissioners, or to adduce arguments in proof of the position, that they may be correct, and at this period of time, do not justify the claim of Georgia to have the South-eastern end of the line located southward of Ellicott's mound. The quantity of land between the line setting out from the mound and that run last summer, by authority of Georgia, is stated by Governor Gilmer, to be one million three hundred thousand acres. This new line runs only about 11 miles north of this city. It throws in Georgia, nearly, if not the whole, of the County of Hamilton, and a considerable portion of Madison, Jefferson, Leon and Gadsden counties. Gentlemen possessing information to be relied upon, state there are upwards of five thousand inhabitants between the two lines. You will notice, that the only suggestions made to the Legislature of Georgia, on this subject by Governor Gilmer, are that it is necessary "to have the title tried," to the disputed lands, and that the Legislature should "direct the manner in which the Territory is to be disposed of, if the determination shall be in favor of the State." I have inferred from this language, and from a perusal of letters of Governor Troup, published with other interesting documents on this subject by order of the House of Representatives of the U. S. that the views of Georgia are more directed to the obtaining an "equivalent" for the Territory claimed by her, than the extension of her political jurisdiction over it. This conclusion is corroborated by information derived from several highly respectable and intelligent citizens of Georgia, with whom I have conversed on this subject before and since the late survey. Between Georgia and Florida, there are not, and should not be any unpleasant feelings. On the contrary, our geographical relation creates a community of interest in many respects, a very large portion of our population are emigrants from Georgia, and the association occasioned by the extensive commerce carried on between us, has created throughout Florida, kindred feelings towards that State, which it is trusted are reciprocated. If any security was necessary, these considerations will secure from that rich and powerful sovereignty, the exercise of a liberal and generous policy towards us, I am inclined to believe, that prompted by such impulse, and anxious to promote our

prosperity and advancement. Georgia if applied to, would be willing to cede to Florida. (retaining only the ownership of the State lands) several of her border counties, which from their location and course of trade, ought to be attached to Florida. I am informed the citizens of those counties, would not be averse to the change. Such cession if agreed to, and if no difficulties arise to delay its completion, could not be fully consummated, probably under three or four years. It is possible, that with the additional population, it would give to the increased numbers at that period of our present Territory, we might then be enabled, to apply immediately for admission as a state. I regard however the benefits otherwise to be derived from such extension of our boundaries and jurisdiction, as of most consequence. If the Council should not differ with me in the belief expressed, as to the views and feelings of Georgia, her willingness to make such cession, and its practicability, and should deem its effects important and beneficial to Florida, the adoption of measures to induce such act on the part of Georgia, and to procure the concurrence of the U. S. therein, will be advisable. It is feared that unless the dispute respecting the boundary line is speedily adjusted, it will be fruitful of trouble and difficulty to the parties, and not unlikely to us. To avoid as far as possible on our part, such result, it should be borne in mind, that the controversy is entirely between the United States and Georgia. Our interests are in the keeping of the general government, and vitally interested as we are, we have not even a claim to be heard, except through it, and any different interference by us, would be as powerless and impotent, as uncalled for and inadvisable. If Georgia should now or hereafter, pursue a contrary course from that I have supposed, we should notwithstanding remain quiet, till the dispute is settled between the State and the general government, satisfied that our rights and interests, will not be neglected. To attempt the continued exercise of jurisdiction, over the disputed lands, in defiance of Georgia, after she had resolved to assume it, would on the part of our Territory, be the extremity of folly and presumption. As a measure which may perhaps have some effect in accelerating the settlement of this controversy, I would suggest that a memorial be addressed by your body, to Congress, and that it be forwarded to the Delegate, as early as possible.

The time when our Territory will become a State, and admitted an equal member of the great confederacy of which we are now but a humble and dependent province, is looked to with considerable interest by our Citizens. The probability of this event, occurring within the next ten years, is I think doubtful, and consulting the true interests of the mass of the people, and of the country, the postponement should not be regretted. The U. S. now defray nearly all the expenses of the Territorial government, and their expenditures have been exceedingly liberal. The disbursements of the Federal government, within the Territory, distributed among our citizens, in payment for their services as judges, marshals, deputy marshals, clerks, Attorneys and Jurors, and including the salaries of the Governor and Secretary, and the annual appropriations for the pay and expenses of the Council, and other expenses incident to the government, do not, it is estimated, fall short of \$47 000 annually. The Territory pays the salaries of but two officers, the Treasurer and Auditor, both amounting to only \$800. It has assumed by law, the payment of the postage of the Governor and Secretary, on public business, the expenses of criminal prosecutions and keeping of prisoners, amounting in the aggregate to about \$8,000 annually. We have hitherto been unable to collect and retain sufficient, to meet these comparatively trifling charges, although nearly all the monies accruing from fines and forfeitures, given by law to the education fund, and which should have been sacredly preserved for that fund, have been appropriated to the aid of the Treas-

ury, in making these payments. The Territory is now several thousand dollars in debt, without means of payment. It is notorious, that our Treasury notes, but a short time since, would bring but 60 cents for a dollar, in this city, and they are now valued at 25 per cent below par. These are painful truths, staring those who contend for our ability to support an independent government directly in the face, and overturning at once, all their splendid speculations. I am deeply mortified, that in performing a duty I owe to the people of Florida, of exhibiting faithfully, the true condition of the Territorial government, our insolvency and bad credit, is exposed to our fellow citizens of the States, but it cannot be avoided. If we cannot manage to pay these trifling charges, how can we support a State government, the annual expenses of which for Florida, (conducted on the most economical plan,) would amount to \$50,000 per annum? But by far the most injurious effects of this change, would be found in the fact, that with our creation as a State, ceases the aid of the General Government, in the construction of those works of internal improvement, so essential to the prosperity of our Territory. Calling to aid the most liberal principles, there are but one or two works, which after we become a State, under the true principles of the Constitution, (as set forth in the President's Message, on his rejection of the Maysville road bill,) could be constructed at the national expense. We shall then have to rely upon the State, or on private enterprise and capital. The taxes for the support of a State government, besides the county taxes, would at this time, equal at least a dollar for each person, of every age and colour in the Territory. It is believed, that when this subject is fully placed before the people, and the plain common sense of the mass of our citizens, appealed to, when they reflect upon the heavy taxes they will have to pay, and the deleterious effects upon the interests and prospects of the country, as I have stated, a majority will be found content to remain as we now are. Much as I should prefer a state government, I hope no application for admission will be made, till the Territory is unincumbered by debt, till we have got a decent Capitol built, till a Penitentiary is erected, and till some of our most important internal improvements are completed, or fully under way, for not till then, can Florida reap any benefit from the change.

Whatever apprehensions may have been created among our citizens, by the recent unhappy occurrences in Virginia; or more properly, by the injudicious publications, and exaggerated reports in regard to them, they have entirely subsided in all parts of our Territory. These occurrences should admonish us of the propriety of carefully revising our laws respecting the introduction of negroes into the Territory, and also those for their police and regulation, and above all to be strict and vigilant in their enforcement. Some of the States, have in consequence passed laws, entirely prohibiting the introduction of negroes for sale. Additional slave labour is greatly wanted in our Territory, and such measure would therefore be highly injurious to our interests, and unless absolutely necessary, should be avoided. Sufficient guards against the introduction of negroes of suspicious character, can I presume, be created without its adoption. As in some degree connected with this subject, and also as a judicious and just measure of taxation, I have been requested by many citizens, to invite the attention of the Council, to the expediency of levying an additional tax to that imposed on other negroes, on those hired in the Territory, but whose owners are non-residents. The strict prohibition of negroes, keeping or using for any purpose whatever, fire arms of every description, and the imposition of a severe penalty upon a master, or overseer, who shall knowingly permit the violation of the law, by a negro under his control, would have a salutary effect. Within a few months past, hand bills and other publications, printed in some of the Eastern and Middle States, of the most mischievous and dangerous tendency, if spread amongst a portion of our population, have been

received by mail at different Post-offices in the Territory. The incendiaries who would by the circulation of such publications, excite to outrage, those for whose situation they affect sympathy, (although the slaves in Florida, generally, are more comfortable than thousands of the poor classes in the Northern cities) are not countenanced, and their infamous conduct is condemned, by the intelligent and liberal of our fellow-citizens, in the States where they reside, and proper communications from the southern legislatures to those of the non slaveholding States, would, I have no doubt, cause the enactment of laws tending to repress such publications. The passage of a law by the Council, similar to those passed recently by some of the slave States, with a view to the punishment of such persons; ourselves, if we can legally procure them, would perhaps have a good effect. Herewith the Council will receive a number of the publications referred to, which have been handed to me by one of the members from St. Johns, at the request of the Grand Jury of that county.

That the Penitentiary system properly regulated is preferable to all other systems, for the punishment and reform of criminals, is generally conceded. The common argument used against it, has been its expensiveness, but in several of the Eastern and middle States, experience has proved, that if well conducted, a Penitentiary can be made a source profit and revenue. A large item of expense to the north is fire wood, which would cost but little in Florida. It has been urged against the establishment of such institution in this Territory, that our climate would prevent the employment of convicts in many kinds of profitable labour, in which they are employed at the north, and that the materials for most of the manufactures of such prison would cost more than in those prisons, where profit has been obtained. I cannot agree that these opinions are correct. Many of the coarse shoes, hats, and negro cloths, great quantities of which are sold in Florida, are made in the northern prisons. Other articles could be enumerated, and there are species of labor in which convicts could be more profitably employed here than elsewhere.—The Territory does not however, at present possess the means to erect a Penitentiary, and unless the general government are willing to assist us, the project must be abandoned. It has been suggested, to me that the old Spanish fort, San Marcos at St. Augustine, which is no longer used by the United States, and is falling into ruins, is well calculated for a Penitentiary, and could be changed into one for a sum comparatively small to the expense of erecting such prison anew. The general healthiness of St. Augustine is a cogent argument in favor of such location of the prison. The United States I am inclined to believe would not be unwilling to grant the fort, to us for such purpose, and might also be induced to render aid in the necessary alterations. This important subject should not be suffered to escape the consideration of the Council.

The attention of the Council, is invited to the criminal laws of the Territory. I am constrained by a sense of duty to advise the alteration in many respects, and the repeal of some parts of the principal law entitled "An Act relating to crimes and misdemeanors," passed 14th November 1828. This act gives full and elaborate definitions of all crimes whether known to the common law or not, and various degrees of offences; and also, explanations of the several excuses and justifications which may be offered by the defendant in an indictment. Definitions of common law offences, are entirely unnecessary in a Statute. The most eminent jurists agree that they serve but to create confusion and embarrassment in the administration of the laws, and particularly as such definitions are most generally crude, and often bungling, and incongruous. It is wiser to refer to the books of the common law, where they are clearly and perspicuously given, as settled by the wisdom of ages. The punishments inflicted under our criminal laws, are fines, imprisonment in the county jail, whipping, the

pillory and death, and against slaves, cropping and branding, and nailing to the posts by the ears, is in some cases resorted to. If recourse can be had to other punishments, I do not think whipping or the Pillory should be inflicted on white criminals, and less barbarous punishments might, as well be used against slaves. After public exposure to such degrading and ignominious punishment, there is no hope of the reform of the convict. He is disgraced beyond the power of redemption, and most probably becomes desperate. These punishments are authorised, also, for offences less heinous on the score of moral depravity, than other crimes, where the correction permitted, is only by fine or imprisonment. It has been adjudged that the fifth section of the act of November 20th 1829, amending the act relating to crimes and misdemeanors, is repealed by the 3d section of the act of 22d of January 1831, regulating trade with the Indians and for other purposes. The effect of this repeal is to make negro stealing, punishable only by fine or whipping, or imprisonment, while by the 3d section of the first named act still in force, horse stealing is made punishable with death! It is presumed that such unequal discrimination was not intended, and that the repeal is attributable to inadvertence. Giving the power of assessing the fine to the Jury, I regard as an impolitic and mischievous innovation upon salutary rules of common law, and an encroachment upon the legitimate powers, and duties of the Court. The amount to be imposed as a fine often depends upon circumstances and facts that cannot properly be submitted to a Jury on the trial of the indictment. Evidence which might properly be offered to a court in mitigation should not be laid before a Jury on the trial, on account of the impossibility of preventing it from having improper influence upon them in the consideration of the other branch of their verdict. In cases of assault and battery, the imposition of the fine is often properly deferred by a court till a civil suit for the same offence is determined, and in cases of larceny, the sentence postponed, to afford opportunity for restoration by the convict of the stolen property, and neither of which courses, often necessary for the furtherance of justice can be pursued under the present law. I would suggest, also, to the council the expediency of inquiring into the causes of the non-enforcement of the duelling law. It is notorious that repeated and open violations of this law have taken place within the Territory, within the last year, but there are no prosecutions therefor. Is the fault in the law or in the administration of it? I ascribe this disregard of the statute to its rigorous character. In vain do our courts and public prosecutors perform their duty; the Grand Juries of Florida cannot be induced to expose that class of citizens generally concerned in such contests, to the unusually severe and ignominious punishments inflicted by that law. The declaration in this law that killing a person in a duel shall be murder, is entirely superfluous, as repeated decisions in England and in this country, have declared it to be murder at common law. The enactment in the 7th section, that any person leaving the Territory for the purpose of fighting a duel, or to receive a challenge, shall be subject to like penalties, as if the offence was committed within the Territory, is, I think, void as an unwarrantable extension of jurisdiction. A judicious modification of this law could not fail to be of salutary influence.

The confused character of the laws regulating elections, causes much trouble to those whose duty it is to execute them, and occasions great irregularities in the returns. In order to prevent errors, the same process should be pursued in the appointment of Election officers at all elections. The same form of return should be prescribed in all cases, and it should be as brief and simple as possible. The convenience of the people, and sound policy, suggest the propriety of fixing the times of holding the various elections, if practicable, all on one day. That unconcern and apathy, as to the exercise of the right of suffrage

which the too frequent recurrence of elections will soon create among the people, is greatly to be deprecated. Such measure would also, it is believed, cause our political divisions to be more in relation to principles and men, and less with reference to persons than has heretofore been the case. Personal parties are generally created by two prominent individuals becoming competitors for an important and principal office—by the election being held separately, and no other political question being offered for the consideration of the electors. Owing perhaps to the circumstance, that it was for some time the only elective office in the Territory, parties seem to have formed here chiefly on the Delegates election. By holding this election, those for members of the Council and County officers, all on one day, several candidates for different offices will be presented for the consideration of the voter at the same time, and his attention will be more divided, and his feelings less exclusive than at present. With the existence of controlling parties, formed upon one office, always more or less personal will cease those disgraceful attacks upon private reputation, which has too much characterised our elections. In their stead will soon be substituted, the liberal and fair, but free discussion of political principles and measures. The day designated for the election of members of Council, is too late to allow time for the receipt of all the returns, and the circulation throughout the Territory of the proclamation of the result of the election. Some tribunal should be designated to decide upon disputed cases, in the election of County officers. At the last election for County Offices, there were two contested cases, both arising from returns not being duly made to the Presiding Justice, or to the Executive. One case was properly adjusted by the parties. In the other, at the time prescribed by law, the Acting Executive commissioned the person, who from the returns received, had the highest number of votes. A few days subsequently, a return was received giving another candidate a decided majority. Believing as I yet do, that the Executive had no power to correct what had been done, the party was referred to the Superior Court of his district for redress, which however on hearing the case, decided that it had no power to look behind the commission. Thus by an omission of the Legislature, and by the carelessness or negligence of the Inspectors of election, without any fault on his part, a citizen lost his right to an important and lucrative office, to which he was fairly elected, and the voice of the people was defeated. The provision in the same law, that the Presiding Justice shall receive the returns, declare the result of the election, and certify it to the Executive, is the cause of much difficulty. Several of the Justices did not pretend to pursue the law, forwarding to the Executive the precinct returns made to them without any certificate of the result—the certificates of others were extremely loose and informal, and some did not interfere at all, but the precinct returns were made directly to the Executive by the managers. The clerk of each county should be required in all elections to notify the Executive of the several precincts, and the Inspectors appointed in his county, as otherwise imposition may be practised. There are portions of the law regulating the election of Delegate, that improperly interfere with the rights and powers of the House of Representatives of the United States, and should therefore be expunged from our statute book. The Organic laws provide, that "the Delegate shall be elected by such description of persons, at such times and under such regulations as the Governor and Council may from time to time ordain and direct." The 13th section of the law in question, transcends the power here conferred, and prescribes the manner in which a candidate shall proceed, contesting the election before the House of Representatives of the United States. I agree in the construction recently put on another part of this law, that to make the return of an election complete under its provisions, a transcript or copy from the poll book must accompany the certificate of the result. It has been contended that

the Delegate is not a member of the House of Representatives within that provision of the 5th article of the Constitution of the United States, which declares, "Each house shall be the Judge of the elections, returns and qualifications of its own members"—and it has also been argued that Congress possessing the power of revising and annulling our laws; and having tacitly acquiesced in this, it is to be regarded as valid, even if originally defective. Considering the correctness of these positions as doubtful, and taking into view also the tenor of the provision in the Organic act above quoted—I regard the law itself, as nugatory so far as it goes to confer power upon any functionary beyond the purely ministerial act of counting the votes, as exhibited in those returns from which the result can be safely and certainly gathered. In the emendations to these laws, the powers and duties of every officer engaged in the execution of them, should be distinctly defined. As they now are, if in a violent and closely contested election, the officer designated to ascertain and declare the result, should give a construction injurious to the interests of one or the other party, if any accident should occur or if by mistake or carelessness or ignorance in any of the more than two hundred persons who officiate as officers of election, a result dissatisfactory to either side should ensue, however elevated and well established may be his character, however conscientious he may act, however honest and impartial may be his intentions, (and such officer could not have motive or inducement to act improperly), he is exposed to suspicious the most unjust and imputations the most disgraceful. The vagueness and ambiguity of the law imposes the duty of construction, but he is afforded no shield or protection against political rancour or party violence.

The consideration of the Council should at an early period of the session, be directed to the condition of our Territorial Treasury. Owing to the decease, on the 12th ult., of Judge Floyd the former Treasurer, and three days since of Mr. Garey his successor, no Treasurers' report is to be expected. I have before stated in this communication, that the Territory is very considerably in debt. I have had no certain data afforded me, but am induced to believe the aggregate of the claims against the Treasury, over and above the means of payment, will rather exceed than fall short of \$10,000—half of which sum is perhaps in Treasury notes in circulation, on which the Territory pays interest, and the principal portion of the other moiety due to the education or school fund. The death of Mr. Garey also, prevents any Auditors report.—Being Auditor when promoted on the 19th ultimo to the Treasurership, he was directed to make reports for the fiscal year, ending November 30th, from both offices, and was engaged in this duty till a few days previous to his decease. His successor as Auditor, has not since had time to make the necessary examinations, to render any satisfactory exhibit. I have deferred the appointment of Treasurer for a few days amongst other reasons, because I considered it advisable that a committee of the Council should previously fully examine the books and papers, and adjust the accounts of the late and former Treasurer and Auditor. I am constrained to strongly recommend the abolition of the office of Auditor, as an unnecessary and useless expense. The duties of both of the offices of Auditor and Treasurer can be easily performed by a competent person, who will attend to the business personally. I think an inspection of the books of these offices, will in itself, conclusively satisfy the Council on this score. Our revenue laws generally require amendment. The present system of collecting taxes, debts, &c. is very inefficient and defective. The practice of issuing treasury notes should be abolished. Any measures which may be adopted by the council tending to more economy in regard to the expenses, greater vigilance in the collection of the revenue and debts due the Territory, and rendering officers more strictly accountable, will be most cheerfully concurred in. Unless the Council adopt some such

measures, ways and means must be devised to raise an additional revenue by taxation or otherwise. Taxation should not be resorted to if it can possibly be avoided, as the citizens of some parts of our Territory already complain of the present taxes as too onerous.

The attention of the Council is requested to the state of the Militia. There are none of the States or Territories in which stronger necessity exists for a properly organised militia, than in Florida. Our extensive sea coast and our geographical location, render us greatly exposed to the predatory irruptions of an enemy in time of war, and to oppose which the militia of the county must be chiefly relied upon. No present danger is, perhaps, to be apprehended from any portion of our population; but we have amongst us two classes who may possibly at some future period, be incited to hostility, and with respect to which, it behoves us always to be prepared in peace and in war. Enquiry should be made into the causes of the present disorganization. I can attest to the fidelity with which the general officers have performed the duties devolving upon them. Many of the field officers of the different regiments are, however, extremely lax in the fulfilment of their duties and the law gives no power to the Commander-in-chief, or to the Brigadiers, to correct and remedy the evil. In two or three instances, no regimental field officers have been elected by the people. I am impressed with the belief that the disregard of the law pretty generally manifested, is attributable to its provisions not being acceptable to the people, and also that they regard the performance of common militia duty at present, as an unnecessary and troublesome burthen. Believing this, and holding that no law ought to be continued in force in this republican government, after the people generally have shown they are averse to it, I feel it incumbent upon me to urge to the Council, the necessity of essential changes being made in the law at this session.—The same feeling in regard to the performance of militia duty in time of peace, has been manifested elsewhere in the States, and their experience has shown it is futile to attempt the coercion of the citizens of this country by fines and penalties, to its observance. Appeals to their patriotism, their pride, their public spirit and personal ambition, are found much more efficacious. Under this policy, the formation of volunteer uniformed companies has been encouraged, and no musters had but of such corps. I have confidence that under judicious regulations, such system would be satisfactory to the people—that it is better adapted to our situation, and would be more beneficial than any other. Our population is mostly in villages, or in detached settlements of a number of families contiguous to each other. Each settlement could form a company of twenty five or thirty men, which in case of any alarm, would be enabled to assemble in a few hours ready for service.—I refer, however, to the Council the devising of the alterations and amendments in this law.

The subject of common schools, and of education generally is of primary importance to the citizens of the Territory. At the last session of the Council, the Governor was directed by the act concerning the literary fund “to appoint three commissioners to enquire into the condition of the schools in the Territory, the wants of the People in regard to education, and the means calculated to relieve their wants, and to report to the next Legislative Council, the number of schools in the Territory, the number and qualifications of teachers, the branches usually taught, and the various modes of instruction, adopted in them, the number of children, receiving education in those schools, and the number of children in the Territory, destitute of the means of education. And also, to report what in their opinion is the best system of general instruction, adapted to the condition and wants of the Territory, the best mode of obtain-

ing the funds necessary for its establishment, and any other facts and information connected with the subject, which they think important, to be laid before the Legislative Council.”—The Rev. P. W. Gautier of Jackson, J. G. Gamble Esq. of Jefferson, and Moses E. Levy Esq. of Alachua, were selected as the commissioners under this law. I received, a day or two since, a separate Report of Mr. Levy, on this subject which is herewith communicated to the Council. I presume the Reports of the other commissioners will be forwarded in a few days. It is important that in the adoption of measures on this subject, we do not act carelessly, or precipitately. No system not generally and thoroughly understood, and which has not been in practical and beneficial operation, in some one of the States of the Union, should be adopted. Theories upon the subject of education, of the most beautiful appearance on paper, and projects of the most plausible and imposing character have, when exposed to the stubborn and unerring test of practice, utterly failed to produce the efficacious results promised, by their projectors. Experiments requiring innovations upon the settled habits and systems of a Country, are rarely successful. I regret that I must express my dissent from the recommendation in the accompanying report, of the establishment of a school, or schools by the Territory, similar to that known as the Fellenburg institution. Without reference to the amount of the expense of the undertaking, considering that this system is not well adapted to this country, not as consistent with our political institutions, as others, and that it is open to many other objections, and would, also, probably fail, I should be greatly averse to the trial of the experiment of its efficacy at the Public cost. But I should be more unwilling that the donations of the United States, either to the citizens of the Townships, or the Territory, for the purpose of education, should be jeopardised by any appropriation of them to the aid of such project. Giving the People of each Township, as soon as practicable, the benefit of the donations for their use, and pursuing the plain, old fashioned plan of teaching—building of good school houses, and employment of none but sober, steady, and intelligent persons as school masters, is, I am persuaded after all, the best course.

A judicious revision of the laws regulating the practice in our Courts of law and equity, is highly necessary. I cannot on this occasion attempt to specify the numerous and various imperfections and omissions in these laws, to which the experience of our courts, bar and suitors can attest. There are several members of your body, possessing all the information I can have in relation to this subject, and superior ability in judging of their defects, and the proper remedies to be applied, and who will not, I am satisfied, suffer it to be overlooked.

The People, it is believed, expect at this session of the Council, some alteration in the present Territorial Judiciary System. No little dissatisfaction with the County Courts, has been manifested. No change in the judicial system of any government, should be made without strong and palpable reasons therefor. Those who are in favor of the abolition of the County Court differ however in relation to the measures which such act would subsequently require. Some prefer, an extension of the

jurisdiction of Justices of the Peace to 100 dol. and investing the County Clerk, or a special officer, with the powers of Judge of probate in each County. Others are in favor of reducing the Jurisdiction of Justices to 20 dol., and the establishment (as a substitute for the County Court,) of a tribunal having jurisdiction of all sums above 20 dol., and to 100 dol., or a greater amount if considered advisable. One Judge, it is proposed, should act in two or more Counties. He should receive a small fee in each case, to be taxed with the costs as his compensation. He should be Judge of Probate, and required to hold his Court once in every two or three months. The duties now imposed upon the Presiding Justice of a County, in regard to roads, paupers, county finance, and taxation, and elections, which ought never to be allied to judicial duties, should be placed with commissioners, chosen by the People of the County. There are many, who totally differ with me, on this subject, for whose judgments I have great respect, but acting under my official obligation, I cannot defer to their opinions, my thorough and settled conviction, that the abolition of the County Court, and the creation of such tribunal, would under judicious regulations be highly beneficial, and I therefore feel bound to recommend such measure, but am not at liberty, on this occasion to go into that detail it deserves.

The act of Congress, January 21st 1829, authorises "the alteration and arrangement of the election districts by the Governor and Council, so as to secure as near as may be an equality of representation in each district." Whether it is not our duty to make such alteration at this session, or whether the dispute in regard to the Georgia boundary line, renders it proper to postpone the matter, are questions which I leave to the decision of the Council.

The Governor, as requested in February last, communicated to the President of the United States Bank, a copy of the resolution of the Council, requesting the location of a Branch Bank in the Territory. In answer thereto, a letter was received in March last, from the President of the Bank, stating that the resolution was laid before the board of Directors, "would receive the respectful consideration, due to the high character of the Gentlemen who have taken an interest in the subject" and that as soon as their decision was made, the Governor should be apprised thereof. No other communication has been received on this subject.

I did intend to have suggested at this time some alterations of an important character in the laws regulating the settlement and distribution of insolvent estates, and also, those relative to the dower of widows in this Territory, but the length to which this paper has already extended, compels me to defer the performance of that duty.

In concluding this communication, permit me, gentlemen, for a moment to look beyond the boundaries of our humble colonial government and congratulate you as American citizens, upon the prosperous and happy condition of our common country. Under the administration of a Chief Magistrate, deservedly possessing as large a share of the confidence of his fellow-citizens as any of his illustrious predecessors, our Republic is ra-

pidly advancing to that foremost place in the rank of nations which we may be permitted to believe, a beneficent Providence has allotted as her destiny. Our fellow-citizens of the different States, living under mild, equal, and just laws, enjoy as great a portion of political happiness, as has ever been bestowed upon the people of any country on the globe. By neglect and inattention to the means of preservation, we may, however, forfeit our right to that more equal participation in these blessings, which it is trusted, is yet in store for us.—"Vigilance is the condition on which liberty is granted," said a patriot and sage of the revolution. This maxim should not be forgotten. Let us observe it, and use our best endeavours to merit a continuance of the favours, hitherto so bountifully bestowed by that Great Power, without whose protection and aid neither men nor governments can prosper.

JAMES D. WESTCOTT, Jr.

Sec'y. and Acting Gov. of Florida.

EXECUTIVE OFFICE, TALLAHASSEE, }

January 3d 1832.

The House then proceeded to elect a Printer, which resulted in the choice of Mr. Wm. Wilson. Mr. Fitzpatrick moved that a committee be appointed to contract for the printing with the printer elect, which was agreed to, and Messrs. Fitzpatrick, Byrd, and Hunt, were appointed.

The House then adjourned until to-morrow 10 o'clock.

JANUARY 4th, 1832.

The house met pursuant to adjournment, and a quorum being present, the minutes of yesterday were read.

Mr. BOOTH, gave notice that he would on some future day, ask leave to introduce a Bill to incorporate "The Chipola and St. Andrew's Canal Company."

The President appointed the following as standing committees—

ON THE JUDICIARY.—Messrs. Wright, Booth, Baltzell, and Nutall.

ON FINANCE.—Messrs. Fitzpatrick, Hunt, Robiou and Byrd.

ON THE MILITIA.—Messrs. Sanchez, Warren, Priest and Pope.

ON CLAIMS.—Messrs. Love, Jones, Cooper and Hunt.

ON SCHOOLS AND COLLEGES.—Messrs. Nutall, Baltzell, Wright and Robiou.

ON THE STATE OF THE TERRITORY.—Messrs. Booth, Baltzell, Sanchez and Priest.

ON ELECTIONS.—Messrs. Jones, Warren, Love and Cooper.

ON ENROLLED BILLS.—Messrs. Byrd, Booth, Pope and Sanchez.

Mr. BOOTH, introduced the resolution following, which was read and adopted:

Resolved, That as much of the Governor's Message as relates to the revision of the Criminal and Election laws of the Territory, and the abolition of the county court system, be referred to the Judiciary committee—that so much as relates to the amendment and revision of Militia laws, be referred to the

committee on the Militia; that so much as refers to the condition of the Treasury, and the revision of the revenue laws, be referred to the committee on Finance—that so much as relates to the subject of Internal Improvement, to the protection of the fisheries on our coast, and so much as relates to the boundary line between the State of Georgia and the Territory of Florida, with the accompanying documents, be referred to the committee on the State of the Territory—and that so much thereof, as relates to the subject of education, with the accompanying documents, be referred to the committee on Schools and Colleges.

Mr. FITZPATRICK, from the committee appointed to contract for Printing, reported that the committee had performed the duty assigned them, and submitted a contract which they had agreed upon with Mr. Wilson, for the consideration of the Council—which was read and the report ordered to lie on the table.

The President submitted a report from the commissioner of the City of Tallahassee, which was read and referred to the committee on Finance.

The house then adjourned until to-morrow 10 o'clock.

JANUARY 5th.

The house met pursuant to adjournment, and a quorum being present, the minutes of yesterday were read.

Mr. LOVE, gave notice that on some future day, he would ask leave to introduce the following bills: One to require the Tax collector and treasurer of the several counties in this Territory, to report annually to the Grand Juries of their respective counties, the state of the county funds—also one to be entitled An act to amend the several acts regulating patrols, and for other purposes; also one to be entitled, An act to amend the road laws, and one to be entitled, An act to incorporate the Quincy Academy in Gadsden county, and to appoint trustees for the same.

Mr. NUTTALL, gave notice, that on some future day he would ask leave to introduce a bill to be entitled, An act to change the present county court system.

Mr. LOVE, introduced the preamble and resolutions following, which were read and laid on the table:

"Whereas, the nomination of William P. Duval, Esquire, for the office of Governor of this Territory, is now pending before the Senate of the United States—and whereas it is important that the true sentiments and wishes of the people of Florida, on a subject of such great importance, should be clearly made known,

Be it therefore resolved by the Legislative Council of Florida, That the Senate of the United States be, and they are hereby requested to reject the said nomination.

Be it further Resolved, That in the adoption of this resolution, the Members of the Council represent, as they believe, the true wishes of the people of Florida.

Resolved, That two copies of this preamble and these resolutions, be immediately forwarded, the one to our Delegate in Congress, and the other to the President of the Senate of the United States, signed by the President of the Council."

Mr. BOOTH, offered the following resolution, which was read and laid on the table:

Resolved, That our Delegate in Congress, be requested to endeavor to procure the passage of a law, increasing the number of the Legislative Council, so as to allow one member to each of the counties of Walton and Washington—and that a copy of this resolution be forthwith forwarded to him.

Mr. WRIGHT, introduced the resolution following, which was read and laid on the table:

so Resolved, That the acting Governor be authorised to employ a clerk in his office, during the session of this Council, whose compensation shall not exceed one of the engrossing clerks of the Legislative Council.

Mr. BYRD, introduced the resolution following, which was read and laid on the table:

Resolved, That George E. Dennis, Esq., the former clerk in the Treasurers office, be authorised to make a report from the books of said office, as required of the Treasurer by law, for the use of the Council.

Mr. WRIGHT, introduced the resolution following, which was read and adopted:

Resolved, That the hour of meeting of the Legislative Council, be 11 o'clock a. m.

The contract accompanying the report made by Mr. Fitzpatrick on yesterday, as chairman of the committee to contract with the printer elect, was read and ordered to lie on the table.

The house then adjourned until to-morrow 11 o'clock.

JANUARY 6th.

The house met pursuant to adjournment, and a quorum being present, the minutes of yesterday were read.

Mr. WARREN, gave notice, that on some future day he would ask leave to introduce the following bills:—A bill to be entitled, An act concerning Limitations—a bill to be entitled, An act to prevent the intermarriage of white persons with persons of color, and a bill to be entitled, An act to regulate the pilotage of the St. John's river, and the bar of Nassau.

Mr. PRIEST, gave notice, that on some future day he would ask leave to introduce a bill to establish a ferry across the Suwannee river, at or near the Jackson Springs.

Mr. NUTTALL, presented a petition from William Kerr, praying to be divorced from his wife Epsy B. Kerr, which was read and referred to a special committee, consisting of Messrs. Nuttall, Byrd, Booth and Hunt.

Mr. HUNT, presented a petition from William Mims, praying to be divorced from his wife Sabina: which was read and referred to the same committee.

Mr. BALTZELL, introduced the following resolution:

Resolved, That a committee on agriculture and commerce be added to the Standing Committees of this house, and that so much of the Governor's Message as relates to that subject, be referred to that committee—which was read and adopted. The committee consists of Messrs Baltzell, Pope, Priest and Cooper.

Mr. HUNT, introduced the resolution following, which was read and laid on the table:

Resolved, That the committee on Finance, be instructed to

enquire into the expediency of reducing the taxes on Billiard tables in this Territory.

Mr. BYRD, introduced the resolution following, which was read and laid on the table:

Resolved, That this house will, during the present session, repeal all the laws now in force in this Territory, passed since the year 1824, and that they will take up the acts of 1824, and so alter, modify and amend that code, as to bring all the acts in force into one book.

Mr. BALTZELL, introduced the resolution following, which was read and adopted:

Resolved, That the hour of meeting of this Council, be nine o'clock, until otherwise agreed upon.

The contract reported by Mr. Fitzpatrick from the committee on printing, was again read and ordered to lie on the table.

The resolution offered by Mr. Byrd on yesterday, concerning the report of the Treasury, was read and adopted.

The resolution offered by Mr. Wright on yesterday, was read and on motion of Mr. Booth as amended so as to allow the clerk to be employed by the Executive, 150 dollars, and so amended, was adopted.

The resolution offered by Mr. Booth on yesterday, proposing an increase of the members of this house, was on motion of Mr. Byrd, so amended as to give an additional member to the county of Leon, and one to the counties of Jefferson, Hamilton and Madison, and so amended was adopted.

The resolution offered by Mr. Love on yesterday, in reference to the re-appointment of William P. Duval, Esq., was read and ordered to lie on the table until Monday next.

The house then adjourned until to-morrow 9 o'clock.

JANUARY 7th.

The house met pursuant to adjournment, and a quorum being present, the minutes of yesterday were read.

Mr. WARREN gave notice, that he would on some future day, introduce a bill repealing an act, to prevent duelling.

Mr. COOPER gave notice, that on Tuesday next, he would ask leave to introduce a bill to be entitled, An act prohibiting the county courts of this Territory from levying a tax on cattle, excepting those of non-residents.

Mr. NUTTAL gave notice, that on some future day, he would ask leave to introduce a bill relative to the introduction of slaves into the Territory, and also a bill to charter a Bank, to be established at Magnolia in Leon county.

The same gentlemen presented the petition of Lennie Rumel, praying to be divorced from her husband John Rumel, which was read and referred to the committee, to whom similar petitions had been referred on yesterday.

Mr. WARREN, presented the petition of Elizabeth A. Breadalbane, praying to be divorced from her husband Donald M. Breadalbane—which was also read and referred to the same committee, to which Mr. Warren was added.

Mr. FITZPATRICK, presented a memorial from sundry citizens of Key West, requesting an alteration in the charter of Incorporation—which was read and referred to a special committee, consisting of Messrs. Fitzpatrick, Booth and Jones.

Mr. PRESIDENT, presented a letter from Mr. John Rodman, proposing to prepare a Digest of the laws of the Territory—which was read and referred to the committee on the Judiciary.

Mr. POPE, presented sundry presentments from the Grand Jury of Jackson county, accompanied by the charge of the Hon. H. M. Brackenridge, to the Grand Juries of Washington and Jackson counties—which were read and referred to the committee on the Judiciary.

Mr. FITZPATRICK, presented a report from the commissioners appointed to superintend and carry on the building of a jail and cistern at Key West—which was read and referred to the committee on Finance.

Mr. BALTZELL, presented a bill to establish rules of practice and pleading in the Superior courts of this territory—which was read by its title and referred to the committee on the Judiciary. Also, a bill regulating Writs of Error and Appeal to the Court of Appeals, of which the same disposition was made.

The acting Governor communicated to the house, the report of the Board of Directors of the Capitol of their transactions for the last year—which was read and referred to the committee on Finance. Also, the reports of Theo. Owens, Esquire, and J. P. Lockhart and Malcolm Nicholson, Esq's., commissioners appointed to select a suitable site for the seat of Government of the Territory—which reports were read and laid on the table.

Mr. BALTZELL, from the committee on agriculture and commerce, presented a memorial from H. Perrine, praying an act of association for himself and his associates, as a company to introduce into the Peninsula of Florida, tropical vegetables, and for other purposes—which was read and laid on the table.

The same gentleman from that committee introduced a bill to incorporate the Tropical Plant Company of Florida, which was read a first time.

Mr. BALTZELL from the same committee introduced the resolutions following which were read and adopted; Resolved, that fifty dollars be placed at the disposal of the Executive of this Territory for the transportation and distribution of such plants or other natural products as may be presented to the Executive of this Territory from foreign places.

Resolved that the distribution of said plants and natural products be as nearly equal among the citizens of this Territory, as circumstances will admit, having due regard to their proper care and cultivation.

The same gentleman introduced the resolution following, which was read and adopted, Resolved, that 300 copies of the report of Lt. Long accompanying the Governor's message be printed.

Mr. HUNT'S resolution introduced on yesterday instructing the committee on Finance to enquire into the expediency of reducing the tax on billiard tables was read and adopted.

Mr. BYRD'S resolution on yesterday was again read and laid on the table.

The House then adjourned until Monday next at 9 o'clock.

JANUARY, 9.

The house met pursuant to adjournment and a quorum being present, the minutes of the preceding day were read.

Mr. WRIGHT gave notice that he would on some future day present a bill to change the mode of compelling the opening and

keeping in repair the public roads of this territory.

Mr. POPE gave notice that he would on some future day introduce a bill fixing the boundary line of Jackson county.

Mr. NUTTALL pursuant to previous notice asked & obtained leave to introduce a bill to be entitled "an act relative to the introduction of slaves," which was read a first time and referred to the Judiciary Committee.

The President presented a communication from the Acting Governor, inclosing a report from E. B. Gould Esqr. and another from Geo. W. Ward Esqr. two of the commissioners to select a site for the permanent location of the Seat of Government of the territory; which were severally read and referred to the committee on the state of the territory.

He also presented a report from Geo. E. Dennis Esqr. of the state of the treasury for the last fiscal year; which was read and referred to the committee on Finance.

Mr. FITZPATRICK presented a memorial from James Webb Esqr. and other citizens of Key West, in relation to the incorporation of a Salt Company at that place, which was read and referred to a select committee, consisting of Messrs Booth, Fitzpatrick and Robiou.

Mr. WRIGHT introduced the resolution following which was read and adopted.

Resolved That the committee on the Judiciary be permitted to employ a clerk to be paid such compensation as the committee may think reasonable at the close of the session.

Mr. FITZPATRICK introduced the following resolution which was read and laid on the table; *Resolved*, That the District Attorney of the Middle District be directed to inquire and ascertain whether the Territory have a legal right to demand a rent from the clerk of the Superior Court for the use and occupation of the room in the capitol, called the Treasurer's room, and if so, to institute suit for the same.

Mr. SANCHEZ introduced the following resolution which was read and laid on the table; *Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of prohibiting Indian negroes, bond or free, from travelling without the limits of the Indian territory; and that said committee have leave to report by bill or otherwise."

Mr. WRIGHT from the select committee to whom had been consigned the duty of preparing rules for the government of this House, reported a code of laws for that purpose which was read and adopted. On motion of Mr. Baltzell, it is ordered that fifty copies of the same, with the like number of the standing committees of the house be printed for the use of the house."

The bill to be entitled "an act to incorporate the tropical plant Company of Florida," was read and referred to a committee of the whole on to-morrow.

The resolution offered by Mr. Byrd on a former day, proposing to repeal all the laws now in force, with the exception of the code of 1824 and to make that code the basis of the legislation of this session, was read and referred to the Committee on the Judiciary.

The House then adjourned until to-morrow 9 o'clock.

JANUARY, 10.

The House met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. ROBIOU gave notice that he would ask leave on some future day to introduce a bill giving to mechanics a lien in certain cases and to repeal an act for the same purpose.

Mr. WARREN gave notice that he would on some future day introduce a bill to be entitled an act to incorporate the Jefferson Academy.

Mr. NUTTALL presented a memorial from the personal representatives of the late William Argyle, for the relief of the estate and minors of said decedant, which was read and referred to a Select committee consisting of Messrs. Byrd Nuttall and Booth.

Pursuant to previous notice, Mr. Cooper introduced a bill to be entitled "An act to prohibit the County Courts from levying taxes in certain cases"—which was read a first time and referred to the committee on Finance.

Mr. POPE introduced a bill to alter the southern boundary line of Jackson county which was read a first time.

Mr. WARREN presented a petition from Francis J. Ross praying for leave to establish a ferry across the Suwannee river, near the mineral springs which was read.

Mr. NUTTALL presented a petition from Samuel Cosby praying that certain money be refunded him which was read & referred to the committee on claims.

Mr. WARREN gave notice that he would ask leave, on some future day, to introduce a bill to be entitled "An act amendatory of the several acts concerning the administration of estates and the duties of administrators, executors, and guardians."

The same gentleman introduced a bill to amend an act entitled "An act concerning marriage license."

Mr. NUTTALL pursuant to notice introduced a bill to be entitled "An act to incorporate a Bank in the town of Magnolia."

Mr. BOOTH from the select committee to whom had been referred various petitions for divorce, reported the following bills which were read a first time: a bill to be entitled an act "to dissolve the marriage contract between William Kerr, and Epsy B. Kerr, a bill to dissolve the marriage contract between Lorine Rumel and John Rumel; and a bill to dissolve the marriage contract between Wm. Mims and Sabina Mims.

The resolution offered by Mr. Fitzpatrick on yesterday relating to the Treasurer's room, was again read and adopted.

The resolution offered by Mr. Sanchez on yesterday, relating to Indian negroes, was read and adopted.

Mr. ROBIOU introduced the resolution following, which was read and laid on the table: *Resolved*, that the Judiciary committee be instructed to inquire into the expediency of repealing the 7th section of the act entitled, an act to amend an act to determine the fees of certain officers of this territory and for other purposes, approved Nov. 1828.

The House then adjourned until to-morrow 9 o'clock.

JANUARY, 11.

The House met pursuant to adjournment and a quorum being

At present, the minutes of yesterday were read.

Mr. BALTZELL gave notice that he would on some future day, introduce a law amending and altering the law making the officers of Treasurer and Auditor.

Mr. WARREN introduced a bill to be entitled; "An act amendatory of the several acts concerning the administration of estates and the duties of executors, administrators & guardians, which was read a first time and ordered to a second time to-morrow.

The petition presented on yesterday by Mr. Warren in behalf of Francis J. Ross was referred to a select committee consisting of Messrs. Warren, Priest and Cooper.

Mr. SANCHEZ introduced the resolution following, which was read and referred to the committee on the state of the Territory. *Resolved*, that the commissioners appointed to examine and report on the most eligible site for the permanent location of the seat of government be allowed the additional sum of three dollars for every twenty miles they may have travelled in the discharge of their duties and returning to their place of residence.

Mr. BYRD introduced the resolution following, which was read and laid on the table: *Resolved*, that the acting Auditor of this Territory be requested to make a report to this house as required by law, or such a report as he may be able to make from the books of the former Auditor.

Mr. BOOTH introduced the resolutions following; which were read and adopted:

"*Resolved*, that our Delegate in Congress be again requested to endeavor to procure the passage of a law by Congress, providing for the transportation of the mail to Appalachicola.

Resolved further, that the Clerk of the Council be required forthwith to transport copies of this resolution to the Post Master General, and our Delegate in Congress."

Mr. NUTTALL from the Committee to whom had been referred the petition of Elizabeth A. Breadalbane, reported a bill to be entitled, "An act to dissolve the marriage contract between Elizabeth A. Breadalbane and Donald M. Breadalbane," which was read a first time and ordered to a second reading to-morrow.

The resolution offered by Mr. Love, on a former day relating to the nomination of W. P. Duval Esqr. as Governor of this Territory was again read, when the following substitute was offered by Mr. Pope: *Whereas* the last Legislative Council passed a resolution recommending William P. Duval Esqr. for re-appointment, expressing the belief that the same was in accordance with the will of the people of this Territory.

Be it therefore Resolved, that in the opinion of this Legislative Council, the subject matter of said resolution is not proper for legislation and does not come within the province of the duties of the Council." On the adoption of this substitute, the ayes and noes were called for, and Messrs. Baltzell, Byrd, Hunt, Love, Nuttall, Pope, Priest, Robiou and Wright—9 voted in the affirmative; and Mr. President, and Messrs. Booth, Cooper, Fitzpatrick, Sanchez and Warren—6 in the negative—and the substitute was adopted. The House then resolved itself into a committee of the whole, on the substitute.

Mr. Byrd in the chair; who reported to the House the original resolution in lieu of the substitute—which report was concurred in. Mr. Baltzell then moved the substitute as an amendment to the original resolution.—Mr. Booth then moved the original resolution and amendment be postponed until the 4th day of July next; on this motion the ayes and noes were called, and Mr. President, with Messrs. Booth, Byrd, Cooper, Fitzpatrick, Hunt, Nuttall, Priest, Robiou, Sanchez, Warren and Wright—12 voted in the affirmative; and Messrs. Baltzell, Love and Pope—3 in the negative—and the motion prevailed.

The bill to be entitled "An act to incorporate the Tropical Plant Company of Florida," was referred to a committee of the whole, Mr. Wright in the chair, who reported progress and asked leave to sit again on Friday next.

A bill for the relief of Wm. Kerr and was read a second time and committed to a committee of the whole, Mr. Love in the chair, who reported the same with amendments—which report was concurred in by the House and the bill as amended, ordered to be engrossed and read a third time to-morrow.

A bill for the relief of Lorine Rumel was read a second time and ordered to be engrossed and read a third time to-morrow.

A bill for the relief of William Mims was read a second time and ordered to be engrossed and read a third time to-morrow.

A bill to alter the southern boundary line of Jackson county was read a second time and committed to a committee of the whole, Mr. Sanchez in the chair, who reported the same without amendments—and the same was ordered to be engrossed and read a third time on Monday next.

The house then resolved itself into secret session, on certain nominations by the acting Governor.

The resolution offered by Mr. Robiou on yesterday, instructing the committee on the Judiciary to inquire into the expediency of repealing the 7th sec. of the act of 1823, concerning fees—was again read and adopted.

The house then adjourned until to-morrow 10 o'clock.

JANUARY 12th.

The house met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. WRIGHT, introduced a bill to be entitled, an act to amend the several acts, relative to roads and bridges—which was read a first time.

Mr. NUTTALL, gave notice, that on some future day he would ask leave to introduce a bill to be entitled, an act to alter and amend an act entitled an act, to authorise Hector W. Braden, to make a canal through the natural bridge of the St. Marks river, passed 13th Feb. 1831—Also a bill to be entitled an act to alter and amend an act, to incorporate a company to be entitled the St. Marks Navigation company, passed 19th Jan. 1831.

Mr. HUNT, gave notice, that on some future day he would ask leave to introduce a bill to amend an act to incorporate the Bank of Pensacola.

Mr. POPE, gave notice, that he would on some future day, introduce a bill for the purpose of creating a stay of executions

on judgments obtained before Justice's of the Peace, on sums over a certain amount.

Mr. BYRD, gave notice, that he would on some future day ask leave to introduce a bill to be entitled, an act relative to the summoning of Jurors.

The PRESIDENT, presented a communication from the District Attorney of the Middle District of Florida, in relation to the "Treasurer's room"—which was read and laid on the table.

Mr. WARREN, introduced a bill to be entitled, an act to repeal an act to prevent duelling—which was read a first time.

Mr. BALTZELL, presented a memorial from Evan Evaur, Esq.—which was read and referred to the committee on claims.

The same gentleman, introduced the following resolution: *Resolved*, That our Delegate in Congress be, and he is hereby requested to procure the passage of a law, requiring the Judges of this Territory, to alternate in the discharge of their duties—which was referred to a select committee, consisting of Messrs. Baltzell, Hunt and Sanchez.

Mr. HUNT, presented a memorial from the church wardens of Christ's Church in Pensacola—which was referred to a select committee consisting of Messrs. Hunt, Baltzell and Booth.

Mr. BYRD, presented the preamble and resolutions following:

Whereas, it is made the duty of the Treasurer of this Territory, to examine into the state and condition of the Bank of Florida, and report to this House; and whereas no report on that subject has been made, in consequence of the death of the Treasurer:

Be it therefore resolved, That a committee of three be appointed as directed by the act of incorporation, to examine, as directed by said act, and report thereon.

Be it further resolved, That the said committee be required to enquire whether the said Bank has paid the tax due thereon, and if so, what amount was paid—and that they report to this House as early as possible—which was laid on the table.

Mr. WARREN, presented a petition from sundry citizens of Duval county—which was referred to the committee on the Judiciary.

Mr. BOOTH, from the committee on the state of the Territory, reported a bill to be entitled, "an act to provide for the compensation of the commissioners appointed to examine and locate the seat of Government," &c.—which was read a first time, and ordered to a second reading on Saturday.

Mr. NUTTALL, from the committee to whom had been referred the memorial of the personal representatives of the late Wm. Argyle, reported a bill to be entitled, an act for the relief of the heirs of Wm. Argyle—which was read a first time.

The engrossed bill to be entitled, an act to dissolve the marriage contract between William Kerr and Epsy B. Kerr—was read a third time and passed.

The engrossed bill to be entitled, an act for the relief of Mr. Mims—was read a third time and passed.

The engrossed bill to be entitled, an act to dissolve the mar-

riage contract between Lorine Rumel and John Rumel, was read a third time and passed.

A bill to be entitled an act to dissolve the marriage contract between Elizabeth A. Breadalbane and Donald M. Breadalbane—was read a second time and ordered to be engrossed and read a third time to-morrow.

The resolution offered by Mr. BYRD on yesterday, in relation to the Auditors report—was read and adopted.

Mr. BOOTH, by leave of the house, introduced a memorial from sundry citizens of Appalachicola, which was read and referred to a select committee, consisting of Messrs. Booth, Nuttall and Baltzell.

The house then adjourned until to-morrow 10 o'clock.

JANUARY 13.

The house met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. Priest gave notice that on some future day he would ask leave to introduce a bill to establish a ferry over the Suwannee river on the road leading from Alachua to Georgia at Herrington's.

Mr. Baltzell gave notice that on some future day he would introduce a bill to alter the time of holding the Superior Courts in the county of Jackson. The same gentleman introduced a bill to be entitled an act to constitute a Treasurer for the Territory of Florida, and to amend an act to alter the several acts in regard to a Treasurer and Auditor of this Territory, which was read a first time.

Mr. Warren introduced a bill to be entitled, "An act to incorporate the Trustees of Jefferson county Academy, which was read a first time.

Mr. Nuttall introduced the following bills: a bill to be entitled, "An act to authorise Hector W. Braden to cut a canal through the Natural bridge of the St. Marks river; and a bill to be entitled, "An act to alter and amend an act to incorporate a company to be entitled, the St. Marks Navigation Company;—which were severally read the first time.

Mr. Robiou introduced a bill to be entitled, "An act giving a lien to Mechanics in certain cases; which was read a first time.

Mr. Warren introduced a bill to be entitled, "The Ross' Spring in Alachua county, which was read a first time.

Mr. Priest introduced the resolutions following; which were severally read and laid on the table.

Resolved, that the committee on the Judiciary be instructed to report a bill repealing so much of the act entitled "An act regulating our citizens trading with the Indians and for other purposes therein mentioned," as to them shall appear unconstitutional.

Resolved, That the committee on the State of the Territory, be instructed to enquire into the expediency of petitioning Congress to extend the pre-emption law, to some further time for the Territory of Florida; and that our Delegate be requested to use his best endeavors to accomplish that object.

Mr. Robiou introduced the resolution following which was read and laid on the table.

Resolved, That the Clerks be required to furnish the Printer with copies of the minutes of the House.

Mr. Wright from the Committee on the Judiciary reported the bill to be entitled, "An act relative to the introduction of slaves," without amendment, for the further consideration of the House—which was made the order of the day for this day—which was subsequently committed to a Committee of the Whole, Mr. Warren in the Chair, who reported progress and asked leave to sit again on Tuesday next—which was agreed to.

The same gentleman from that Committee reported a bill to be entitled "An act regulating the mode of suing out writs of error and prosecuting appeals in the Court of Appeals of the Territory of Florida which were read a first time and ordered to a second reading on Tuesday next.

Mr. Fitzpatrick from the Select Committee to whom had been referred a memorial from sundry citizens of Key-west, reported a bill to be entitled an act to incorporate the city of Key west, which was read a first time.

Mr. Booth from the Committee on the State of the Territory, to whom had been referred so much of the Governor's Message as relates to the boundary line between Georgia and the Territory of Florida, with the accompanying documents, made a report, which was read and laid on the table;

On motion of Mr. Fitzpatrick it is ordered that 500 copies of the same be printed for the use of the members.

Mr. Fitzpatrick from the Select committee to whom had been referred the report of the Commissioners appointed to superintend and carry on the building of a Jail and Cistern at Key west, reported a bill to be entitled an act, to amend an act, to provide for building a Jail at Key west, which was read a first time.

The engrossed bill to be entitled, "An act to dissolve the marriage contract between Elizabeth A. Bredalbane and Donald M. Bredalbane, was read a third time and passed—ordered that the title of the act be as aforesaid.

The bill to be entitled "An act concerning marriage license was read a third time and committed to a committee of the whole, Mr. Booth in the Chair, who reported the same with amendments—which report was concurred in, and the bill as amended, ordered to be engrossed and read a third time on Monday next.

The bill to be entitled, "An act to incorporate the Key-west Salt Company, was read a second time and committed to a committee of the whole, Mr. Love in the Chair, who reported the same, with the enacting clause stricken out, which report was concurred in.

The bill to be entitled, "An act to incorporate a Bank in the town of Magnolia, was read a second time and committed to a committee of the whole, Mr. Fitzpatrick in the chair, who reported progress and asked and obtained leave to sit again on Monday next.

The bill to be entitled, "An act amendatory of the several acts concerning the administration of estates and the duties of administrators, executors and guardians, was read a second time and ordered to be referred to the committee on the Judiciary.

The preamble and resolutions offered by Mr. Byrd, on yesterday, were again read and adopted; the Select Committee consists of Messrs. Byrd, Fitzpatrick and Robiou.

The bill to be entitled "An act for the relief of the heirs of William Argyle deceased, was read a second time; on motion the rules were waived, and the same read a third time and passed; ordered that the title thereof be as aforesaid.

The bill to be entitled, "An act to amend the several acts relative to roads and bridges, was read a second time and committed to a committee of the whole, Mr. Warren in the chair, who reported progress and asked and obtained leave to sit again on to-morrow.

The bill to be entitled, "An act to repeal an act to prevent duelling was read a second time, and committed to a committee of the whole, Mr. Byrd in the chair, who reported progress, and asked and obtained leave to sit again on Monday next.

The House then adjourned till to-morrow ten o'clock.

JANUARY 14.

The house met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. SANCHEZ gave notice, that he would on some future day, ask leave to introduce a bill to be entitled, an act to repeal an act, entitled act, to provide for laying out the School lands in this Territory, passed 20th Nov. 1828 and approved Nov. 21, 1828.

Mr. WARREN, introduced a bill to be entitled, an act to establish the rates of pilotage for the Bar of the St. Johns and Nassau rivers—which was read a first time and made the order of the day for Wednesday next.

Mr. LOVE, introduced a bill to be entitled, an act to incorporate the Trustees of Quincy Academy—which was read a first time.

Mr. BOOTH, introduced a bill to be entitled, an act to incorporate a company to be called the Chipola and St. Andrews Canal Company—which was read a first time and ordered to a second reading on Saturday next.

Mr. PRIEST, introduced the following bills, which were severally read a first time and ordered to a second reading on Wednesday next:

A bill to be entitled, an act to authorise W. Clements to establish a ferry on the Suwannee river; and

A bill to be entitled, an act to authorise C. H. B. Collins, to establish a ferry on the Suwannee river.

Mr. BOOTH, presented a petition from William Hall of Washington county; which was read and referred to the committee on claims.

Mr. FITZPATRICK, introduced the resolution following, which was read and adopted:

Resolved, That the committee on the state of the Territory, be instructed to enquire into the expediency of holding the next session of the Legislative Council at the city of St. Augustine, or elsewhere—and that they have leave to report by bill or otherwise.

Mr. LOVE, from the committee on claims, to whom had been referred the petition of Samuel Cosby, reported a bill to be entitled, an act for the relief of Samuel Cosby—which was read and ordered to be referred to the committee on the Judiciary, with the accompanying documents.

Mr. BOOTH, from the select committee to whom had been referred the memorial of sundry citizens of Appalachicola, reported by a bill to be entitled, an act to organize and form a new county in this Territory—which was read a first time and ordered to a second reading on Thursday next.

The resolution offered by Mr. ROBIU on yesterday, requiring copies of the minutes to be furnished the Printer, was read and adopted.

The resolution offered by Mr. PRIEST on yesterday, instructing the committee on the Judiciary, to report a bill repealing certain parts of an act, entitled, an act regulating our citizens trading with the Indians, &c.—was read and adopted.

The engrossed bill to be entitled, an act to alter the Southern Boundary line of Jackson County; was read a third time and passed—ordered that the title thereof be as aforesaid.

The bill to be entitled, an act to provide for the compensation of the commissioners appointed to examine and locate the seat

of Government; was read a second time and committed to a committee of the Whole, Mr. Love in the chair, who reported progress and asked and obtained leave to sit again on Wednesday next.

The house again resolved itself into a committee of the Whole, on the further consideration of the bill to be entitled, an act to incorporate the Tropical Plant Company of Florida, Mr. Wright in the chair, who reported the same to the house, without amendments—which report was received. The rules of the House were, on motion waved, and the bill read a third time and passed. Ordered that the title thereof be as aforesaid.

The bill to be entitled, an act to provide for building a Jail at Key West, was read a second time and ordered to be engrossed and read a 3d time on Monday next.

The bill to be entitled, an act to alter and amend an act to incorporate a company to be entitled, the St. Marks Navigation Company—was read a second time and ordered to be engrossed and read a third time on Monday next.

The bill to be entitled, an act to alter and amend an act to authorise Hector W. Braden, to cut a canal through the natural bridge of the St. Marks river; was read a second time and ordered to be engrossed and read a third time on Monday next.

The house then adjourned until Monday 12 o'clock.

JANUARY, 16.

The house met pursuant to adjournment, and a quorum being present, the minutes of Saturday were read.

Mr. HUNT gave notice that he would on some future day introduce a bill to be entitled An act, to amend the several acts relating to roads and bridges in this territory.

Mr. JONES gave notice that he would on some future day, ask leave to introduce a bill to be entitled, An act to reduce the commissions on auction duties and for other purposes.

Mr. NUTTALL presented the petition of Lemuel M. Turner, praying to be divorced from his wife Sarah, which was read and referred to the Select Committee, to whom had been referred similar petitions.

Mr. HUNT introduced a bill to be entitled, "An act to amend an act, incorporating the Bank of Pensacola, which was read a first time and ordered to a second reading to-morrow.

The same gentleman introduced the resolution following, which was laid on the table.

Resolved, That this Legislative Council, do adjourn sine die on the 31st day of January next.

Mr. JONES introduced the following resolutions which were laid on the table.

Resolved, That our Delegate in Congress be requested to use his utmost endeavors to obtain an appropriation for clearing out the obstructions in the Oclocknee river.

Resolved further, That his Excellency be requested to transmit copies of these resolutions to the Delegate.

Mr. BOOTH from the committee on the State of the Territory, to whom had been referred the resolution introduced by Mr. Fitzpatrick in relation to the next session of the Council, reported a bill to be entitled "An act to provide for holding the next session of the Legislative Council in the city of St. Au-

gustine," which was read a first time and ordered to a second reading on Wednesday next.

Mr. President presented a communication from E. L. Drake Esqr. stating his possession of certain monies belonging to the Territory, which being read, Mr. Booth introduced the resolution following which was read and adopted.

Resolved, That the Committee on Finance be authorised and instructed, to receive of Edward L. Drake, such monies as he may have in his possession, belonging to the Treasury of this Territory, and that they be authorised to receipt for the same.

The PRESIDENT presented a letter from William Johnson, which was read and ordered to be transferred to the Executive department.

The engrossed bill to be entitled "An act to amend the act entitled an act concerning Marriage License," was read a 3d time and passed—ordered that the title be as aforesaid.

The Engrossed bill to be entitled "An act to amend an act to provide for the building a Jail at Key-West," was read a third time and passed—Ordered that the title be as aforesaid.

The house again resolved itself into a Committee of the Whole on the further consideration of the bill to be entitled, "An act to incorporate a Bank in the Town of Magnolia" Mr. Fitzpatrick in the chair; who reported the same with amendments, which report was referred, and the rules of the Council waived, and the bill as amended, read a third time and passed—Ordered that the title be as aforesaid.

The house in Committee of the whole, Mr. Byrd in the chair, resumed the further consideration of the bill to be entitled, "An act to repeal an act to prevent duelling," who reported the same without amendments, and the same was ordered to be engrossed and read a third time to-morrow.

The report and resolutions offered by Mr. Booth on the 13th, from the committee on the State of the Territory, were read again and adopted.

The bill to be entitled, "An act to incorporate the city of Key-West, was read a 2d time and ordered to be engrossed and read a third time on Monday next.

The bill to be entitled, "An act to incorporate the Ross Spring in Alachua county and to establish a ferry on the Suwannee, was read a second time and ordered to be engrossed and read a 3rd time on Thursday next.

The House then resolved itself into secret session on Executive nominations.

The following persons were nominated by the Executive to to the offices named; which were concurred in by the Council.

Thomas M. Bradford, Justice of the Peace, for Leon County, vice L. A. Thompson, resigned.

Thomas Brown, William Hall, and Richard Parish, Trustees of School lands for Leon county, one of the former trustees having deceased, another resigned and the other refusing to act.

Col. W. B. Nuttall, to be Quarter Master General of the militia of Florida, vice C. Br. naugh deceased.

Charles Austin, to be Notary Public for Leon County, Bly-

Ben Van Baun, and Julius Pescay, to be Auctioneers for Es-
cambia county.

The house then adjourned until to-morrow 10 o'clock.

JANUARY 17th.

The House met pursuant to adjournment, &c.

Mr. WARREN gives notice that he will on some future day, introduce a bill to be entitled "An act to authorise the administrators of J. G. Teague, dec. to dispose of his real estate; also, that he would on some future day, ask leave to introduce a bill to alter the boundary line of Jefferson county.

Mr. NUTTALL presented a petition from John Carruthers which was read and referred to the committee on claims: also, a petition from Thomas Brown and Frederick Weedon, which was read and referred to the same committee.

Mr. POPE presented the petition of sundry citizens of Jackson county, praying for a division of said county, which was read and referred to a Select committee, consisting of Messrs. Pope, Booth and Hunt.

Mr. BOOTH introduced the resolution following which was laid on the table.

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of altering the mode of summoning Grand and Petit Jurors.

Mr. JONES introduced the resolution following, which was laid on the table. *Resolved*, that the Committee on Schools and Colleges be instructed to enquire into the expediency of taking into consideration the propriety of appointing three or more Trustees, for each and every township in this territory, so that when sufficient quantity of funds is collected, the free School or Schools, in any township or townships may then go into operation.

Mr. LOVE from the Committee on Claims, to whom had been referred the petition of William Heale, reported a bill to be entitled, "An act for the relief of William Heale;" which was read a 1st time.

Mr. FITZPATRICK from the committee on Finance, to whom had been given by resolution the duty of receiving from E. L. Drake, Esqr. certain money belonging to the Treasury of the Territory, reported that they had received from him 429 dollars 99 cents, including interest, and that the committee held the same subject to the future orders of the Legislative Council.

The engrossed bill to be entitled "An act to repeal an act, entitled an act to prevent duelling," was read a 3d time and passed, on its passage the ayes and noes were called for, and Mr. President, and Messrs. Booth, Cooper, Fitzpatrick, Jones, Nuttall, Priest, Robiou, Sanchez and Warren, 10 voted in the affirmative, and Messrs. Byrd, Hunt, Love and Pope—4 in the negative—ordered that the title be as aforesaid.

The engrossed bill to be entitled "An act to alter and amend an act to incorporate a Company to be entitled the St. Marks Navigation Company," was read a third time and passed.

Ordered that the title be as aforesaid.

The engrossed bill to be entitled "An act to alter and amend an act to authorise Hector W. Braden, to cut a Canal thro' the

"Natural bridge of the St. Marks river," was read a 3d time and passed.

Ordered that the title be as aforesaid.

The house in Committee of the Whole, Mr. Warren in the Chair, resumed the further consideration of the bill, to be entitled "An act relative to the introduction of slaves," the committee reported progress and asked and obtained leave to sit again.

The resolution offered by Mr. Priest on the 13th, relative to an extension of the pre-emption law, was again read and adopted.

The bill to be entitled, "An act giving a lien to mechanics in certain cases," was read a second time and committed to a committee of the whole, Mr. Love in the chair, who reported the bill with amendments, and the same was ordered to be engrossed and read a third time on Saturday next.

The bill to be entitled, "An act to incorporate the Trustees of Jefferson Academy," was read a 2d time and ordered to be engrossed and read a third time to-morrow.

The bill to be entitled "An act to alter and amend the charter of the Bank of Pensacola," was read a 2d time and committed to a committee of the whole; Mr. Byrd from that committee, reported the bill with amendments, which report was concurred in, and the same ordered to be engrossed and read a 3rd time to-morrow.

The resolution offered by Mr. Hunt in relation to the adjournment of the Council on the 31st inst. was read and rejected; on the motion to postpone the consideration of the same until the 13th of February, Mr. President, Messrs. Booth, Cooper, Fitzpatrick, Love, Nuttall, Pope, Priest, and Warren—nine voting in the affirmative, and Messrs. Byrd, Hunt, Jones, Robiou,

and Wright—5 in the negative.

The resolution offered by Mr. Jones on yesterday relating to the improvement of the Oclocknee river, was again read and adopted.

The President presented a communication from the Acting Governor, with one from Col. John G. Gamble on the subject of education, which with the accompanying documents was referred to the committee on Schools and Colleges.

Mr. Wright from the committee on the Judiciary reported a bill to be entitled, "An act relating to crimes and misdemeanors," which was read a 1st time—ordered 100 copies of the same be printed.

Mr. Byrd from the Committee on enrolled bills reported the following correctly Enrolled.

"An act to dissolve the marriage contract between Wm. Kerr and Epsy B. Kerr."

"An act for the relief of Wm. Mims."

"An act to dissolve the marriage contract between Lorine Rumel and John Rumel." And

"An act to dissolve the marriage contract between Elizabeth A. Breadalbane and Donald M. Breadalbane."

The house then adjourned until to-morrow 10 o'clock.

JANUARY 18.

The house met pursuant to adjournment and a quorum being present, the minutes of the preceding day were read.

Mr. BALTZELL gave notice that he would on some future day introduce a bill to repeal the law giving fines and forfeitures to the Literary fund.

Mr. WARREN introduced a bill to be entitled "An act to authorize the administrator of Dr. J. G. Teague, deceased, to dispose of his real estate, which was read a first time.

Mr. JONES gave notice that he would on some future day introduce the following bills; A bill making provision to take the census of the Territory, so that the next session of the Legislative Council may proportion the representatives agreeably to population, and the bill concerning usury.

Mr. LOVE introduced a bill to be entitled "An act to amend an act concerning patrols, which was read a 1st time and referred to the committee on the Judiciary.

Mr. POPE gave notice that he would on some future day introduce a bill for the purpose of giving the election of Tax Collector to the people.

Mr. SANCHEZ introduced a bill to be entitled, "An act to repeal an act to be entitled, an act for laying out the School lands in this territory" which was read a 1st time.

Mr. BALTZELL introduced a bill to be entitled, "An act to alter the time of holding the Superior Court for the county of Jackson" which was read a 1st time.

On motion of Mr. Booth the bill to be entitled "An act to incorporate the Chipola and St. Andrews Canal company was referred to a Select committee, Messrs. Booth, Baltzell and Pope were appointed to that committee.

Mr. FITZPATRICK introduced a bill to be entitled "An act to amend an act relating to crimes and misdemeanors committed by slaves, free negroes and mulattoes, which was read a 1st time and referred to the committee on the Judiciary.

Mr. LOVE presented certain presentments from the Grand Jury of Gadsden county, which was read and referred to the committee on the Judiciary.

Mr. NUTTALL presented the petition of Mary Rhymes, praying to be divorced from her husband John Rhymes, which was read and referred to the Select committee on divorces.

The President presented a report from the Auditor, which was read and referred to the committee on Finance.

Mr. WRIGHT introduced the resolution following, which was read and adopted:

Resolved, That a Select committee be appointed to enquire and report to the Council the amount of the appropriation for the contingent expenses of the Legislative Council, which has been already expended; & what proportion thereof remains to be expended, & for this purpose that said committee procure from such persons as have been employed by the Council their respective accounts. Messrs. Wright, Fitzpatrick and Robiou were appointed.

Mr. SANCHEZ introduced the following resolution, which was laid on the table.

Resolved, That the trustees for School Lands be directed to furnish this house with a statement of their proceedings, as directed in the 7th section of the law, passed 20th November 1828, entitled,

"An act to provide for laying out the School Lands in this Territory."

Mr. BALTZELL introduced the following resolution, and the preamble and resolution following, which, were severally read and adopted.

Resolved, that our Delegate in Congress, be and he is hereby requested to procure the passage of a law, giving power to the Legislative Council to fix the time of holding the Superior Courts in all the counties of this Territory."

Resolved further, that a copy of this resolution be immediately forwarded to him."

Whereas the present Legislative Council, with a view of encouraging the cultivation of useful foreign and tropical plants, has passed a law incorporating the Tropical Company of Florida," and whereas it is believed that a grant of land by Congress some where on the Southern part of the peninsula of Florida, would be greatly conducive to the public good, promote the views of said Company and might be made, without detriment to public interest.

Be it therefore ordered, That our Delegate in Congress, be and he is hereby requested to use his endeavors to procure the passage of a law, making such grant to the said company, for the objects aforesaid as may best comport with the public good.

Resolved further, that a copy of this preamble and resolution be immediately forwarded to him."

Mr. ROBIOU introduced the following resolution, which was laid on the table.

Resolved, that the committee on the Judiciary be instructed to enquire into the expediency of amending the law of descents, so as to entitle the heirs of aliens to inherit."

Mr. WRIGHT from the committee on the Judiciary reported without amendment, the bill to be entitled "An act for the relief of Samuel Cosby, and the same was read a 1d time and made the order of the day for Friday next.

He also reported that the committee had had under consideration the petition of D. S. Gardiner and others, and begged to be discharged from the further consideration of the subject which was agreed to.

The enrolled bill to be entitled, "An act to incorporate the Trustees of Jefferson County Academy.

The engrossed bill to be entitled, an act to incorporate the Ross's Spring in Alachua county, and to establish a ferry on Suwannee—and the engrossed bill to be entitled, an act to alter and amend the charter of the bank of Pensacola—were severally read a third time and passed.

Ordered that the titles be as aforesaid.

The house in committee of the whole, Mr. Love in the chair, resumed the further consideration of the bill to be entitled, an act to provide for the compensation of the commissioners appointed to examine and locate the seat of government. The bill was reported with amendments, filling the blanks with the sums allowed each of the commissioners, which was agreed to: Mr. President and Messrs. Baltzell, Booth, Fitzpatrick, Hunt, Jones, Nuttall, Pope, Priest and Warren, 10 voting in the affirmative—and Messrs. Byrd, Cooper, Love, Robiou, Sanchez and Wright, six in the negative. The bill as amended, was ordered to be engrossed and read a third time to-morrow.

The bill to be entitled, an act to constitute a Treasurer for the Territory of Florida, and to amend and alter the several acts in regard to a Treasurer and Auditor of this Territory—was committed

to a committee of the whole, Mr. Love in the chair, who reported progress and asked and obtained leave to sit again to-morrow.

The bill to be entitled, an act regulating the mode of suing out writs of Error, and prosecuting appeals in the Court of Appeals of the Territory of Florida—was recommitted to the committee on the Judiciary.

The bills to be entitled, an act to authorise C. H. B. Collins, to establish a ferry on the Suwannee river, and to authorise W. Clements to establish a ferry on the Suwannee river—were severally read a second time,—the rules of the house were waived, and the same read a third time and passed. Ordered that the titles be as aforesaid.

The bill to be entitled, an act to establish the rates of pilotage, for the bar of the St. Johns and Nassau rivers—was ordered to a second reading on Monday next.

The bill to be entitled, an act to provide for holding the next session of the Legislative Council, in the city of St. Augustine, was ordered to a second reading on Tuesday next.

The bill to be entitled, an act for the relief of William Hall, was made the order of the day for Tuesday next.

The resolution offered by Mr. BOOTH on yesterday, relating to grand and petit jurors—was read and adopted.

The resolution offered yesterday by Mr. JONES, in relation to free schools; was read and adopted.

The house then adjourned until ten o'clock to-morrow.

JANUARY 19, 1832.

The house met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. HUNT introduced a bill to be entitled, an act to alter and amend the several acts relating to roads, highways and bridges, in the Territory of Florida—which was read a first time and referred to the committee on the Judiciary.

Mr. BALTZELL introduced a bill to be entitled, an act to repeal an act entitled, an act to incorporate the President and Directors of the Literary Fund; which was read a first time.

Mr. JONES gave notice, that on some future day, he would introduce a bill to be entitled, an act declaring the Ocklockonee river, a public highway.

The same gentleman, introduced a bill concerning usury: which was read a first time, and ordered to a second reading on Monday next.

Mr. POPE gave notice, that he would on some future day, introduce a bill to exempt certain property from execution or attachment in this Territory.

Mr. JONES introduced the following resolution, which was laid on the table.

Resolved, That our Delegate in Congress, be requested to use his utmost exertions to obtain an appropriation from Congress, to be expended in repairing the United States' Mail road, from the city of St. Augustine to Pensacola.

Resolved further, That his Excellency the Governor, be requested to transmit a copy of the foregoing resolution, to the Delegate.

Mr. WRIGHT introduced the resolution following, which was laid on the table.

Resolved, That the committee on Finance, be instructed to enquire into the expediency of levying an extra tax on slaves, the property of non-residents, and that they have leave to report by bill or otherwise.

Mr. BOOTH introduced the resolution following, which was laid on the table.

Resolved, That our Delegate in Congress be requested to endeavor to procure the passage of a law, explanatory of the act of Congress, passed 21st Jan. 1829 entitled, an act to authorise the citizens of the Territories of Arkansas and Florida, to elect their officers, and for other purposes.

Mr. NUTTALL introduced the following resolution, which was laid on the table.

Resolved, That the committee on the state of the Territory, be instructed to enquire into the expediency of taxing pedlars, trading within the Territory, in addition to the present tax imposed on them.

Mr. LOVE from the committee on claims, made the following reports.

That they have considered the case of John Carruthers, and are of opinion, that it is one of contract between two parties, who have a perfect right to adjust the same. That the committee do not believe they have a right to interfere, and beg to be discharged from the further consideration of the subject.

That they have had under consideration, the case of Thomas Brown & F. Weedon, & although they consider it a case of extreme hardship, cannot recommend that they should be released from their bond, and beg to submit the case to the reconsideration of the house.

That the committee have considered the case of Ede Van Evour, and although they think him entitled to compensation, they believed from the act of 1825, that it is entirely a matter of Executive right, and beg to be discharged from the further consideration of the subject.

Mr. WRIGHT from the committee on the Judiciary, reported a bill to be entitled, an act to prohibit our citizens trading with the Indians, and for other purposes—which was read a first time and ordered to a second reading on Tuesday next.

He also reported with amendments, a bill to be entitled, an act to amend an act concerning patrols, which was ordered to a second reading on Saturday next.

He also reported amended, a bill to be entitled, an act regulating the mode of suing out writs of Error, and prosecuting appeals in the Court of Appeals of the Territory of Florida—which was made the order of the day for Tuesday next.

Mr. BOOTH from the select committee, to whom had been referred the bill to incorporate the St. Andrews and Chipola Canal Company, reported the same without amendments, which was concurred in, and the same was made the order of the day for Tuesday next.

Mr. BYRD from the committee on enrolled bills, reported correctly enrolled; an act to alter the Southern boundary line of Jackson county, and an act for the relief of the heirs of Wm. Argyle.

The house in committee of the whole, Mr. Love in the chair, resumed the consideration of the bill, to constitute a Treasurer for the Territory of Florida, and to amend and alter the several acts in regard to a Treasurer and Auditor of this Territory. The committee reported the bill with amendments, which was not concurred in by the house. Messrs. Baltzell, Cooper, Jones, Love, Pries, Pope, Robison and Warren, eight voting in the affirmative, and Mr. President Messrs. Booth, Byrd, Fitzpatrick, Hunt, Nuttall, Sanchez and Wright, eight in the negative.

The bill was then amended and ordered to be engrossed and read a third time on Saturday next.

The house resolved itself into a committee of the whole, Mr. Fitz-

patrick in the chair, on the bill to organize and form a new county in this Territory, who reported the bill with amendments, which was concurred in, and the same ordered to be engrossed and read a third time on Saturday.

The bill to be entitled, an act to alter the time of holding the Superior Court of Jackson; was read a second time and ordered to be engrossed and read a third time on Tuesday next.

The bill to be entitled, an act to authorise the administrator of Doctor J. G. Teague deceased, to dispose of his real estate—was read a second time, and ordered to be engrossed and read a third time on Monday next.

The bill to be entitled, an act to incorporate the Trustees of Quincy Academy, was read a second time and ordered to be engrossed and read a third time on Monday next.

The engrossed bill to be entitled, an act to provide for the compensation of the commissioners appointed to determine and select a site for the seat of Government; was read a third time and passed. Mr. President and Messrs. Baltzell, Booth, Cooper, Fitzpatrick, Hunt, Jones, Nuttall, Priest and Pope; ten voting in the affirmative, and Messrs. Byrd, Love, Robiou, Sanchez, Warren and Wright; six in the negative. Ordered that the title be as aforesaid.

The bill to be entitled, an act to amend the several acts, relative to roads and bridges, heretofore committed to a committee of the whole, was ordered to be referred to the committee on the Judiciary.

The bill to be entitled, an act to repeal an act entitled, an act to provide for laying out the school lands in this Territory; was read a second time and referred to the committee on schools and colleges.

The resolution offered on yesterday by Mr. SANCHEZ, in relation to the Trustees of the school lands; was read and adopted.

The resolution offered by Mr. ROBIOU on yesterday, in relation to the law discounts, was read and adopted.

The Council then adjourned until to-morrow ten o'clock.

JANUARY, 20.

The house met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. LOVE introduced a bill to be entitled, an act concerning the tax collectors and treasurers of this Territory—which was read a first time and ordered to a second reading on Monday next.

Mr. NUTTALL presented the petition of Mrs. E. W. Adair; which was read and referred to a select committee, consisting of Messrs. Nuttall, Byrd and Booth.

The bill to be entitled, an act for the relief of Samuel Crosby, was made the order of the day for Tuesday next.

The bill to be entitled, an act relative to the introduction of slaves; was made the order of the day for Wednesday next.

The bill to be entitled, an act to repeal an act incorporating the President and Directors of the Literary Fund; was read a second time and ordered to be committed to a committee of the whole on Wednesday.

The resolution offered by Mr. BOOTH on yesterday, relating to the act authorising the citizens of Arkansas and Florida, to elect their officers, &c.; was adopted. Mr. Priest & Messrs. Booth, Byrd, Fitzpatrick, Hunt, Nuttall, Robiou and Wright; eight voting for; and Messrs. Cooper, Jones, Pope, Priest and

Warren; five against it.

The resolution of Mr. NUTTALL offered yesterday, in relation to pedlars, was adopted.

Mr. WRIGHT'S resolution offered yesterday, relating to the slaves of non-residents, was adopted.

Mr. JONE'S resolution introduced yesterday, in relation to the repair of the road from Tallahassee to Pensacola, was adopted.

The President presented a communication from the acting Governor, requesting to be furnished with certain evidence upon which several acts had been passed; which was read and laid on the table.

The President presented a letter from E. B. Gould, which was read and referred to the committee on the state of the Territory.

The bill to be entitled, an act for the relief of William Hall; which had been made the order of the day for Tuesday next, was on motion called up, and committed to a committee of the whole, Mr. Warren in the chair, who reported the bill with amendments; which was concurred in, and the same ordered to be engrossed and read a third time on Monday next.

Mr. BYRD from the committee on Enrolled bills, reported correctly enrolled:

An act to alter and amend an act, authorising H. W. Braden, to make a canal through the natural bridge of the St. Marks river.

An act to alter and amend an act, to incorporate a company to be entitled, the St. Mark's Navigation Company.

An act to incorporate the tropical plant company of Florida.

An act to amend an act entitled, an act concerning marriage license.

An act to provide for building a Jail at Key West.

An act to alter and amend the charter of the Bank of Pensacola.

An act to repeal an act, to prevent duelling, and

An act to establish a ferry over the Suwannee river.

The motion that this house adjourn until Monday next, ten o'clock, was agreed to: Messrs. Byrd, Cooper, Fitzpatrick, Jones, Love, Nuttall, Priest, Robiou and Warren; nine voting for; and Messrs. Booth, Hunt, Pope and Wright; four against it.

The house then adjourned until Monday next, ten o'clock.

MONDAY, JAN. 23, 1832.

The house met pursuant to adjournment and a quorum being present—

Mr. BALTZELL gave notice, that on to-morrow he would introduce a bill to repeal the act providing for the payment of Executive postage.

He also presented the petition of many citizens of Jackson county, praying a division of said county—which was read and referred to the select committee raised on a former day, to which a similar petition had been referred.

Mr. WARREN presented a petition from Samuel Kingsly, praying to be divorced from his wife Lucy—which was read and referred to a select committee, consisting of Messrs. Warren, Cooper, Priest.

Mr. WRIGHT presented the preamble and resolution following, which was read and adopted:

Whereas, it is understood that the Seminole Indians are in a state of great want within their boundary, inasmuch that they have lately quitted the limits assigned them in considerable numbers, and are roaming at large among the white settlements,

Therefore resolved, That the Acting Governor be requested to furnish to this house such information as he may have in his power to communicate, shewing the means of subsistence and the present condition in general, of the Indians located within this Territory.

Mr. BALTZELL introduced the following resolution, which was read and adopted:

Resolved, That the Acting Governor, be requested to furnish this house all the information he possesses, relative to the postage on Executive communications.

Mr. WRIGHT introduced the following resolution, which was read and adopted.

Resolved, That a select committee be appointed to report to the Council, such alterations as they may deem necessary in the act regulating the fees of Officers of this Territory. Messrs. Wright, Byrd, Fitzpatrick and Baltzell, were appointed.

The Engrossed bills to be entitled, an act to incorporate the city of Key West, was recommitted to a committee of the whole. Mr. Warren in the chair, who reported the same with amendments, which report was concurred in—the rules of the house were waived and the bill as amended, read a third time and passed. Ordered that the title be as aforesaid.

The engrossed bill to be entitled, an act giving a lien to Mechanics in certain cases, was read a third time and ordered to be recommitted to a committee of the whole, on Wednesday next.

The engrossed bill to be entitled, an act to amend and alter the several acts in regard to a Treasurer and Auditor of this Territory—was read a third time and postponed for further consideration until Thursday next.

The bill to be entitled, an act to amend an act, concerning patrols—was ordered to a second reading on Wednesday next.

The engrossed bill to organise and form a new county in this Territory—was ordered to be read a third time on Thursday next.

The engrossed bill to be entitled, an act to incorporate the Trustees of Quincy Academy—was ordered to be read a third time on Thursday next.

The engrossed bill to be entitled, an act for the relief of Wm. Hall—was ordered to be read a third time on Thursday next.

The engrossed bill to be entitled, an act to authorise the administrators of Doct. J. G. Teague dec'd., to dispose of his real estate—was recommitted to a committee of the whole,

The engrossed bill to be entitled, an act to authorise the administrators of Doct. J. G. Teague dec'd., to dispose of his real estate—was recommitted to a committee of the whole, Mr. Byrd in the chair, who reported the bill with amendments; the report was concurred in and the bill passed as amended—read a third time and passed. Ordered that the title be as aforesaid.

The bill concerning the Tax Collectors and Treasurers of this Territory—was ordered to a second reading on Thursday next.

The bill to be entitled, an act concerning usury, was ordered to be read a second time on Thursday next.

The bill to establish the rates of pilotage for the Bar of St. Johns and Nassau rivers, was made the order of the day for Wednesday next.

The communications from the Acting Governor, presented on the 20th inst. requesting to be furnished with the Documents and evidences upon which certain bills were founded—was again read. Ordered that the clerk inform the Acting Governor, that the house declined a compliance with the request.

Mr. FITZPATRICK introduced the following resolution, which was read and adopted.

Resolved, That one hundred copies of the reports made by the commissioners appointed to select a site for the seat of Government, be printed for the use of the members under the superintendence of the chairman of the committee, on the state of the Territory.

The PRESIDENT presented the following communication from the Acting Governor.

EXECUTIVE OFFICE, }
JAN. 23, 1832. }

SIR:—I have approved and signed the following bills passed by the Council; and they have been filed in the Secretary's Office, viz:

An act for the relief of the heirs of Wm. Argyle.

An act to incorporate the tropical plant company of Florida.

An act to amend the act entitled, an act concerning marriage license.

An act to alter and amend the charter of the Bank of Pensacola.

I notice one or two errors in the enrolment of the 3d act, which I return for correction.

Yours Respectfully,
JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,
President of the Council.

The act to amend the act entitled, an act concerning marriage license, was recommitted and amended.

The house then adjourned until to morrow 10 o'clock.

TUESDAY; 24th.
The house met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. WARREN introduced a bill to be entitled, an act to establish the boundary line between Leon and Jefferson counties, which was read a first time.

Mr. PRIEST gave notice, that on some future day, he would ask leave to introduce a bill to be entitled, an act to repeal an act entitled, an act establishing a ferry over the river Suwannee, approved 28th Nov. 1831—also,

A bill to be entitled, an act concerning soldiers and seamen, in the service of the United States.

Mr. BYRD gave notice, that on some future day, he would ask leave to introduce a bill to be entitled, an act to incorporate a Bank in Tallahassee.

Mr. WARREN presented the petition of Elizabeth Uptegrove, praying to be divorced from her husband Green Uptegrove, which was read and referred to the select committee raised on yesterday on a similar petition.

He also presented the petition of Catharine Wiles, praying to be divorced from her husband John Kerr, of which the same disposition was made.

Mr. BYRD presented the petition of Benjamin Fish, praying to be released from the payment of the tax on retailers of spirituous liquors, which was read and referred to the committee on claims.

He also presented a petition of many citizens of Middle Florida, praying for the charter of a Bank in the city of Tallahassee, which was read and laid on the table.

Mr. BALTZELL presented a report from the select committee, to whom had been referred the resolution requiring the Judges of the Superior Court to alternate in their respective districts; which was read and laid on the table.

Mr. BYRD from the select committee, to whom had been referred the petition of Mrs. E. W. Adair, reported a bill to be entitled, an act to authorise the sale of the real estate of Alexander Adair, dec'd.: which was read a first time.

He also reported from the select committee, to whom had been referred the petition of Lemuel M. Turner—a bill to be entitled, an act for the relief of Lemuel M. Turner; which was read a first time.

He also reported a bill to be entitled, an act for the relief of Mary Rhymes, from the select committee to whom had been referred her petition.

Mr. BYRD from the committee to whom had been referred the examination of the Bank of Florida, made a report, which was laid on the table.

The further consideration of the bill to be entitled, an act for the relief of Samuel Crosby, was postponed until a further day.

The bill to be entitled, an act to provide for holding the next session of the Legislative Council, in the city of St. Augustine, was made the order of the day for Thursday next.

The bill to be entitled, an act to incorporate a company to be called the St. Andrews and Chipola Canal Company, was ordered to a second reading on Thursday next.

The Bill to be entitled, an act regulating the mode of suing out writs of Error and prosecuting appeals, in the Court of appeals of the Territory of Florida, was committed to a Committee of the whole, Mr. Robiou in the Chair, who reported progress, and asked and obtained leave to sit again.

The engrossed Bill to be entitled, an act to alter the time of holding the superior Court in Jackson County, was ordered to be committed to a Committee of the whole tomorrow.

The Bill to be entitled, an act to prohibit our citizens from trading with the Indians and for other purposes, was committed to a Committee of the whole, Mr. Baltzel in the Chair, who reported the same without amendments the report was concurred in, and the Bill ordered to be recommitted tomorrow.

The President presented the following Communication from the acting Governor which was laid on the table.

EXECUTIVE OFFICE. }
JANUARY 24th 1832. }

Sir—The following Bills passed by the Council have been approved and signed by me, and filed in the Secretary's office
Viz :

An act to alter and amend an act to incorporate a company to be entitled, the St. Marks Navigation Company.

An act to alter and amend an act, authorising H. W. Braden to make a canal through the natural bridge of the St. Marks river.

An act to establish a ferry over the Suwannee river.

Very respectfully, &c.

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,
President of the Council.

Mr. BYRD from the committee on enrolled bills, reported the following correctly enrolled:

An act to incorporate the Ross's Spring, in Alachua county; and to establish a ferry on the Suwannee.

An act to incorporate a bank in the town of Magnolia.

An act to establish a ferry over the Suwannee river.

An act to incorporate the Trustees of Jefferson County Academy.

An act to provide for the compensation of the commissioners appointed to examine and select a site for the permanent seat of Government.

The house then adjourned until to morrow ten o'clock.

WEDNESDAY, 25th.

The house met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. WARREN gave notice, that on some future day, he would ask leave to introduce the following bills—
A bill to incorporate the town of Jacksonville.

A bill to provide for the collection of judgments against free negroes and other persons therein named; and

A bill prohibiting county officers from being appointed county treasurer.

Mr. LOVE gave notice, that on some future day, he would

ask leave to prepare and report a bill to be entitled, an act to amend the militia laws of this Territory.

Mr. COOPER gave notice, that on some future day, he would ask leave to introduce a bill to be entitled, an act to amend an act entitled, an act to prevent the future migration of free negroes or mulattoes to this Territory; approved Jan. 3, 1827.

Mr. LOVE introduced a bill to be entitled, an act to incorporate commissioners for Shell Point, which was read a first time.

Mr. BYRD introduced a bill to be entitled, an act to incorporate a bank in the city of Tallahassee, which was read a first time.

Mr. LOVE presented a petition from Rebecca Pierce, praying to be divorced from her husband John Pierce, which was read and referred to the select committee on divorces.

Mr. BYRD presented the petition of John Laudaman, praying to be paid the balance of an account, which was read and referred to the committee on claims.

Mr. PRIEST presented petitions from many citizens of Alachua county, on the subject of a division of that county,—which were severally read and referred to the committee on the state of the territory.

The President presented a memorial from many citizens of Leon county, relating to the boundary line between it and Jefferson county, which was read and laid on the table.

Mr. WRIGHT introduced the resolution following, which was read and adopted:

Resolved, That the committee on the Judiciary, be instructed to enquire into and report the expediency of passing some law, to authorise the holding to bail absconding debtors, and also the issuing of the writ of *Capias ad satisfaciendum*.

Mr. WARREN made the following report:

The select committee to whom was referred the petition of Samuel Kingsly, Elizabeth Uptegrove and Catharine Wiles—having taken them separately into due consideration, and finding no just cause for granting their petitions, beg leave to be discharged from any further consideration thereof.

Mr. POPE from the select committee, to whom had been referred the petitions of many citizens of Jackson county, reported a bill to be entitled, an act to organise a county to be called the county of Fayette, which was read a first time and ordered to a second reading on Monday next.

Mr. BYRD from the committee on enrolled bills, reported correctly enrolled:

An act to authorise the administrators of Dr. J. G. Teague dec'd. to dispose of his real estate.

The Acting Governor returned the act to provide for the compensation of the commissioners appointed to examine and select a site for the permanent seat of Government, with the following communication—

EXECUTIVE OFFICE. }

Tallahassee, Jan. 25th. 1832. }

SIR: Therewith return to the Council the bill entitled, "An act to provide for the compensation of the Commissioners appointed to examine and select a site for the permanent seat of government." I consider it my duty to reject said bill. The act of last session appointing three Commissioners fixes their compensation at three dollars per day

and provides that the number of days shall not exceed thirty. There can be no difficulty in the settlement of their accounts under that law. When they are presented to the Auditor he will audit them as all other similar accounts are audited, requiring the Commissioners to satisfy him officially, as to the time they were respectively employed, for which purpose I presume the certificates of the Commissioners themselves would be sufficient. I cannot therefore see the necessity of the law. It is it appears to me a departure from the regular routine of business which it is important to the correct transaction of public affairs should be pursued in such cases. If the amount allowed by the Auditor under the law is not a fair and just compensation, the persons aggrieved can then properly apply to the Legislature for relief, and it will then be a question whether knowing at the time of their acceptance of the highest amount that would be allowed them under any circumstances they can justly claim any greater sum. Such claims I do not hesitate to say I could not sanction unless circumstances of much stronger character were adduced in support of them than those which I understand exist in this case. Laws of the character of the act of last session fixing the compensation of these commissioners should be strictly adhered to. If they are thus disregarded the consequence will be not only an abundance of such claims every session, great looseness and uncertainty in the public business—but the laws themselves will soon cease to hold that character for stability and permanency, and to ensure that respect and confidence they should always command.

But it also appears to me that if such claims should be favored in regard to the amounts allowed to the respective Commissioners this bill is manifestly inequitable. The data from which this opinion is derived is found in the report of the commissioners, and from these it appears to me, that Judge Gould the Commissioner from East Florida, whether the time actually employed, the different sections of the country examined, or the actual expenses and trouble incurred in the performance of his duty as Commissioner is considered, should not, have less than any of his colleagues.

I am respectfully, your obt. serv't
(Signed) JAMES D. WESTCOTT, JR. 2

Hon. A. Bellamy,

President of the Legislative Council

The act was reconsidered and rejected; Messrs. Fitzpatrick, Hunt and Warren, voting for; and Mr. President and Messrs. Baltzell, Byrd, Cooper, Love, Pope, Priest Robiou, Sanchez and Wright, ten against it.

The Acting Governor informed the house that he had approved and signed, the act to incorporate the Trustees of Jefferson Academy—and that he returned for amendment, an act to establish a ferry over the Suwannee river—the act was reconsidered and the title thereof ordered to be, an act to authorise W. Clements to establish a ferry over the Suwannee river, which the acting Governor subsequently approved and signed.

The bill for the relief of Mary Rhymes, was indefinitely postponed.

The further consideration of the bill for the relief of Lemuel M. Turner, was indefinitely postponed.

The bill to be entitled, an act to authorise the sale of the real estate of Alexander Adair, dec'd. was committed to a committee of the whole, Mr. Cooper in the chair, who reported progress, and asked and obtained leave to sit again on Monday.

The bill to be entitled, an act to repeal an act entitled, an act to incorporate the President and Directors of the Literary fund, approved Nov. 22, 1825—was committed to a committee of the whole, Mr. Byrd in the chair, who reported the bill with amendments, which

report was concurred in. Ordered that the title thereof be, an act to repeal an act concerning the literary fund, and that the bill as amended, be engrossed and read a third time to-morrow.

The bill to be entitled, an act to prohibit our citizens from trading with the Indians, and for other purposes, was recommitted to a committee of the whole, Mr. Robiou in the chair, who reported the same with amendments, the report was concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

The enrolled bill entitled, an act to provide for the building of a jail at Key West, was reconsidered and committed to a committee of the whole, Mr. Pope in the chair, who reported the same with amendments, which report was concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

The bill to establish the rates of Pilotage for the bar of St. John's and Nassau rivers, was read a second time, Mr. Cooper offered a substitute which was accepted and submitted to a committee of the whole, Mr. Hunt in the chair, who reported the same with amendments, the report was concurred in and the bill ordered to be engrossed and read a third time to-morrow.

The house in committee of the whole, Mr. Robiou in the chair, moved the further consideration of the bill to be entitled, an act regulating the mode of suing out writs of error, and prosecuting appeals in the Court of Appeals of the Territory of Florida—the bill was reported with amendments, which was concurred in, and the same ordered to be engrossed and read a third time to-morrow.

The engrossed bill to be entitled, an act giving a lien to mechanics in certain cases, was committed to a committee of the whole, Mr. Warren in the chair, who reported the same with the enacting clause, stricken out—The report was concurred in.

The house then adjourned until to-morrow ten o'clock.

THURSDAY 26th.

The house met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. PRIEST introduced a bill to be entitled, an act concerning soldiers and seamen, which was read a first time.

Mr. WARREN introduced a bill to be entitled, an act to provide for the collection of judgments against free negroes and other persons therein named, which was read a first time and ordered to a second reading on Saturday next.

Mr. NUTTALL presented the petition of Allen W. Coleman, praying compensation for medicines and attendance given certain prisoners, which was read and referred to a select committee, consisting of Messrs. Nuttall, Byrd and Jones.

Mr. BYRD presented the petition of Wm. Hilliard and others, praying additional compensation for their services as engrossing and enrolling clerks in 1829, which was read and referred to the committee on claims.

The following resolution was offered by Mr. Fitzpatrick—read and laid on the table.

Resolved, That the committee on Finance, be allowed to employ a clerk for the balance of the present session of the Council, and that said clerk be allowed a reasonable compensation for the services he may perform.

Mr. PRIEST presented the preamble and resolution following—which were read and laid on the table:

WHEREAS representations having been made to this body, that the exposed condition of the inhabitants resident on or near the frontiers of the district of country, occupied by the Seminole nation of Indians, calls loudly for the presence of an armed force, at some station convenient for their protection in case of danger, from the In-

dians or great number of negroes (slave or free,) collected within their limits—a measure considered necessary to the security and prosperity of one of the most valuable portions of our Territory. And whereas the two companies of the United States' Troops stationed at Tampa Bay, are 120 or 30 miles from the northern boundary of the Indian reserve, and communication with them is entirely through the Indian country:

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That the Hon. Secretary of War of the United States, be and he is hereby requested to order a company of United States' Troops, (mounted if practicable) to be stationed at the military post, known formerly when garrisoned, as Camp King, or some other place near the Seminole Agency.

Be it further resolved, That the President of the Council be requested to transmit forthwith, copies of these resolutions to the Secretary of War, and to the Delegate in Congress from Florida, and that the latter be requested to employ his best exertions in aid of their object.

Mr. POPE introduced the preamble and resolution following, which was read and laid on the table.

WHEREAS it has been represented to the Legislative Council of this Territory, that the Indians west of the Appalachian river, are suffering on account of not having a suitable agent appointed by the General Government, to superintend them,

Be it resolved, That our delegate in Congress, be and he is hereby requested to use his endeavors to have a suitable agent appointed for that purpose.

Mr. WARREN offered the preamble and resolution following, which was read and laid on the table.

WHEREAS great injury has been sustained by the depredations committed by Indians on the cattle and other property of the inhabitants of this Territory—And whereas it is believed that the evil can be remedied in a great degree, by requiring the constant residence of the agents and sub-agents appointed by Government, at their agencies or in the immediate neighborhood.

Be it therefore resolved by the Legislative Council of Florida, That our Delegate in Congress, be and he is hereby requested to use his endeavors to procure the passage of a law, if necessary, or to obtain the consent of the President, requiring the agents and sub-agents over the several Indian tribes of this Territory, to reside at their respective agencies, and not to leave the same at any time for more than one month.

Be it further resolved, That our said Delegate, be and he is hereby requested to procure the appointment of suitable sub-agents, where they may be necessary.

Mr. WRIGHT from the committee on the Judiciary, reported a bill to be entitled, an act to alter and amend the several acts relating to roads, highways and bridges in the Territory of Florida, with some amendments: and the same was read a second time.

Also, an act amendatory of the several acts concerning the administration of estates, and the duties of Executors, administrators and guardians; and

A bill to amend the several acts relative to roads and bridges.

Mr. FITZPATRICK from the committee on Finance, reported as follows:

The committee on Finance, to which was referred the report of the commissioner of the city of Tallahassee, have the honor to report:

That they have examined and compared the books and vouchers of the commissioners, and find them to correspond with his report to the

Legislative Council. It appears that of the sum of Forty thousand seven hundred and forty two 37-100 dollars, the amount of sales of the lots in the city of Tallahassee, there remains to the Territory, only fourteen thousand nine hundred and fifty three 43-100 dollars— which is due from individuals, and the house now used as a Capitol. The committee recommend that the capitol fund be brought to a close as soon as practicable, by regular course of law.

The committee on Finance, to which was referred the resolution to enquire into the expediency of reducing the Tax on Billiard Tables— have examined the subject, and beg to be relieved from the further consideration of the same.

The Acting Governor informed the House, that he had approved and signed, an act to authorise the administrators of Doctor J. G. Teague dec'd., to dispose of his real estate.

The engrossed bill to be entitled, an act to prevent our citizens from trading with the Indians and for other purposes: was read a third time and passed. Ordered that the title be as aforesaid: Mr. President and Messrs Baltzell, Cooper, Hunt, Love, Nuttall, Pope, Priest, Robiou, Sanchez, Warren and Wright, voted for, and Messrs Byrd and Fitzpatrick, against it.

The following engrossed bills, were severally read a third time and passed.

A bill to be entitled, an act to establish the rate of pilotage for the St. John's and Nassau rivers.

A bill to be entitled, an act to provide for the building of a jail at Key West.

A bill to be entitled, an act to repeal an act concerning the Literary fund.

A bill to be entitled, an act to incorporate a company to be called the St. Andrews and Chipola Canal Company, was read a second time and ordered to be engrossed and read a third time on Monday next.

The bill to be entitled, an act to incorporate the Trustees of Quincy Academy, was committed to a committee of the whole, Mr. Pope in the chair, who reported the same with amendments, the report was concurred in, and the bill was read a third time and passed.

Ordered that the title be as aforesaid.

The engrossed bill to be entitled, an act to alter and amend the several acts in regard to a Treasurer and Auditor of this Territory, was read a third time and passed. Messrs Baltzell, Cooper, Fitzpatrick, Love, Pope, Priest, Robiou, Sanchez, and Warren, voting for, and Mr. President with Messrs Byrd, Hunt, Nuttall and Wright, against it. Ordered that the title be as aforesaid.

The bill to be entitled, an act for the relief of Samuel Crosby was read a third time and passed. Ordered that the title be as aforesaid.

The bill concerning the Tax Collectors and treasurers of this Territory, was committed to a committee of the whole, Mr. Sanchez in the chair, who reported the same with amendments; the report was concurred in, and the bill ordered to be engrossed and read a third time on Saturday next.

The bill concerning usury, was ordered to a second reading on Monday next.

The engrossed bill to be entitled, an act to alter the time of holding the superior court in Jackson county, was made the order of the day for Tuesday next.

The engrossed bill to organise and form a new county in this Territory was made the order of the day for Monday next.

The bill to provide for holding the next session of the Legislative Council in St. Augustine, was ordered to a second reading on Monday next.

The engrossed bill to be entitled, "an act regulating the mode of suing out writs of error and prosecuting appeals in the Court of Appeals in the Territory of Florida—was ordered to be recommitted to a committee of the whole to-morrow.

The bill to be entitled "an act relating to crimes and misdemeanors, was read a 2d time and committed to a committee of the whole, Mr. Hunt in the chair, who reported progress and asked and obtained leave to sit again.

This house then adjourned until to-morrow 10 o'clock.

JANUARY 27.

The House met pursuant to adjournment, and a quorum being present the minutes of yesterday were read.

Mr. POPE introduced the following bills which were severally read and referred to the Committee on the Judiciary.

A bill to be entitled an act to create a stay of execution on judgments obtained in the courts of justice of the peace.

A bill to be entitled an act to exempt certain property from execution or attachment.

Mr. WARREN introduced a bill to be entitled an act to incorporate the Town of Jacksonville which was read and made the order of the day for Monday next.

Mr. PRESIDENT introduced a bill to be entitled an act to amend an act to establishing a ferry over the Suwannee which was read and made the order of the day for Tuesday next.

Mr. HUNT introduced a bill to be entitled an act to amend an act entitled an act to raise a revenue for the territory of Florida was read a first time.

Mr. NUTTALL presented the petition of Enoch Dudley, praying to be divorced from his wife Sarah, which was read and referred to the Select Committee on divorces.

The same gentleman also presented the petition of Richard Walker praying an act to permit him to sell certain real estate which was read and referred to a Select Committee, consisting of Messrs. Nuttall, Robiou and Love.

Mr. BALTZELL introduced the following resolution, which was laid on the table.

Resolved, That the Committee on Printing be instructed to make a contract for the Printing of the laws of the present Council and report to this house to-morrow, so that the same may be commenced immediately.

Mr. NUTTALL from the Select Committee to whom had been referred the petition of D. A. W. Coleman reported a bill to be entitled an act for the relief of Allen W. Coleman which was read and made the order of the day for Monday next.

Mr. WRIGHT from the Judiciary Committee reported a bill to be entitled an act to amend the law in regard to summoning Grand and Petit Jurors, which was read and made the order of the day for Tuesday next.

The contract heretofore reported from the Committee on Printing was taken up read and adopted—Ordered that the same be recommitted to the Committee with full power to complete the contract with leave to report to-morrow. Mr. Wright was added to that committee.

Mr. BYRD from the committee on Enrolled bills, reported correctly enrolled.

"An act to incorporate the City of Key West.

"An act to amend and alter the several acts in regard to a Treasurer and Auditor.

"An act to establish the boundary line between Leon and Jefferson Counties.

The following communication was received from the Acting Governor.

EXECUTIVE OFFICE, }
Tallahassee, Jan. 26, 1832. }

SIR—In answer to the resolution proposed by Mr. Wright and adopted by the Council, calling upon me for information in regard to the Indians in this territory, I have to state that previous to the adoption of said resolution, I had delegated an agent to go to the Appalachian towns and enquire into the causes of the recent insubordination and disturbances there and also that I had adopted measures to ascertain the truth in regard to the Indians wandering near the Ocilla, and on the return of said agent which will be at furthest by Monday next, I shall then be able to fully comply with said resolution.

I am respectfully your obt. serv't.

JAMES D. WESTCOTT Jr.

Hon. A. Bellamy,
President of Council.

Ordered that the same lie on the table.

The Acting Governor communicated to the House that he had rejected the act entitled "an act to incorporate the Ross Springs in Alachua county, and to establish a ferry on Suwannee with his reasons therefor as follows.

EXECUTIVE OFFICE, TALLAHASSEE, }
January 26th 1832. }

Hon. A. BELLAMY,
President of the Council.

SIR—Upon an examination of the bill passed by the council entitled, "An act to incorporate the Ross' Springs, in Alachua County, and to establish a ferry on Suwannee," I find myself constrained to reject it.

By the first section of this law *three* persons, Viz:—"Joseph M'Lellan, John L. Levy, and Francis J. Ross, are created a corporation and body politic by the name of the commissioners of Ross' Springs." The privileges extended by the act are given to them exclusively, and the powers granted, conferred upon them alone. The act recognizes no associates with, or successors to them.

By the second section, it is prescribed that, "the said commissioners shall at their first regular meeting, appoint one of their number chairman of their board, who shall preside at all their meetings, unless he be absent, in which case the commissioners present shall nominate a chairman for the time being: *Provided*, That *three* of said commissioners shall constitute a quorum for the transaction of business."

It is trusted that it will not be considered hypercritical to call the attention of the council, to the singular provision that the chairman shall not preside at meetings *from which* "he is ab-

sent." Their notice is directed to this phraseology in order that it may be corrected, if the requisite number of the council, to pass this bill, differ with me as to the general objections I entertain against it, and with the same view, I would invite the notice of the council to the obvious inconsistency of appointing only *three* commissioners, constituting three alone the corporation, making *three* necessary for a quorum, and yet authorising a less number to meet and in the words of the act "to nominate a chairman" &c. The want of care and precision with which our statutes are drafted, is greatly to be deplored, and I consider it my duty to endeavour to correct the evil by withholding my assent to any bill so loosely framed. This bill I find is copied precisely from a law passed last session, but this circumstance in nowise affects my opinion, and will not change the course I deem it right to pursue.

The rejection of this bill is more induced, however, by the opinion, that the powers with which these commissioners are invested by it, should not be delegated to such corporation in such manner. They are clothed by this bill with executive, legislative and judicial authority, and within the circle of 2 miles in diameter, over which their jurisdiction is extended, with the single exception that their authority to impose fines, is limited in each case to five dollars, their powers are of the most plenary character. The legislature should never delegate such united prerogatives, without reserving the power of supervision and correction, to any man or set of men whatever. In most chartered cities they are separated and bestowed upon different officers, and the right of appeal is given to those who may consider themselves oppressed by them. I have reference in these remarks to those provisions of the bill by which the "said Commissioners are empowered to pass all such bye-laws and ordinances as may be deemed necessary for the suppression of indecent and immoral conduct," within the circle before mentioned, and "to impose upon and collect of all offenders against said bye-laws, such fines as they in their discretion may think fit to prescribe," under five dollars, and to that clause authorising them "to appoint a Marshal." There are no regulations as to the manner of proceeding in the exercise of these powers and none in regard to the promulgation of their laws. No appeal is given from the sentence of this triumvirate, nor any method of correction prescribed by the act, but so far as their jurisdiction extends they are as uncontrollable as the famous Venetian council of three. They may fine a man five dollars, twenty times a day if he is within the limits of their sovereignty, and no redress is provided by this law. The provisions in the act that all fines collected, shall be applied to such charitable purposes as said commissioners shall determine, would be a sorry consolation to the subject of an unjust sentence of this judicatory, uniting the character of legislator, prosecutor, witness and judge, and wholly irresponsible except in their corporate capacity. It is no answer to say that these are mere regulations for a watering place. The general laws should be of a character, if enforced, to afford all the aid necessary for

the suppression of indecent and immoral conduct, at such places as well as elsewhere, and if they are not, they should be amended.

Respectfully,

JAMES D. WESTCOTT, Jr.

The act was reconsidered and committed to a committee of the whole, Mr. Cooper in the chair, who reported as a substitute a bill to be entitled an act to incorporate the Gadsden Springs and to establish a ferry on Suwannee river which report was concurred in, the rules of the House were waived and the substitute read a 2d and 3d time and passed—Ordered that the title be as aforesaid.

The bill to be entitled an act, concerning Soldiers and Seamen was read a 2d time—Ordered that the same be engrossed and read a 3d time on Tuesday next.

The further consideration of the preamble and resolutions offered by Mr. Warren on yesterday, was postponed until Monday next.

The resolution offered by Mr. Fitzpatrick on yesterday allowing the Committee on Finance, a Clerk was read and adopted.

The further consideration of the preamble and resolution offered by Mr. Priest, on yesterday was postponed until Monday next.

The same disposition was made of the preamble and resolution offered by Mr. Pope on yesterday.

The resolution heretofore offered by Mr. Baltzell was again taken up, with the report made thereon and the same was amended so as to read thus,

Resolved, That our Delegate in Congress be and he is hereby requested to procure the passage of a law, giving the Legislative Council the power to require the Judges of this territory to alternate in the discharge of their official duties.

Be it further Resolved, That a copy of this resolution and the report on this subject be forwarded to the delegate," on the adoption of this resolution, Messrs. Baltzell, Byrd, Cooper, Fitzpatrick, Hunt, Love, Nuttall, Pope, Priest, Robion, Sanchez and Wright—12 votes for, and Mr. President, and Mr. Warren against it.

The bill to be entitled an act to incorporate Commissioners for Shell Point, was read a 2d time and ordered to be engrossed and read a 3d time to-morrow.

The further consideration of the bill to be entitled an act to amend an act, concerning patrols, was postponed until to-morrow.

The bill to be entitled an act to incorporate a company to be called the St. Andrews and Chipola Canal Company was made the order of the day for Monday next.

The bill to be entitled an act to amend the several acts relative to roads and bridges was referred to a Select Committee consisting of Messrs. Wright, Hunt and Pope.

The bill to be entitled an act amendatory of the several acts concerning the administration of estates and the duties of executors, administrators and guardians" was read a 2d time and

ordered to be engrossed and read a 3d time on Saturday next.

The bill to be entitled an act relative to the introduction of slaves," was made the order of the day for Monday next.

The engrossed bill to be entitled an act for the relief of William Hall was made the order of the day for Tuesday next.

The engrossed bill to be entitled an act relating to the mode of suing out writs of error, and prosecute appeals in the Court of appeals of the territory of Florida, was committed to a committee of the whole, Mr. Warren in the chair, who reported the same with amendments, the report was not concurred in by the house—Mr. President, and Messrs. Baltzell, Byrd, Hunt, Love, Nuttall and Wright—7 votes for, and Messrs. Cooper, Fitzpatrick, Pope, Priest, Robiou, Sanchez and Warren, against it.

The House in committee of the whole, Mr. Hunt in the chair, resumed the further consideration of the bill to be entitled "an act relating to crimes and misdemeanors" who reported progress and asked and obtained leave to sit again.

The House then adjourned until to-morrow 10 o'clock.

JANUARY 28.

The House met pursuant to adjournment and a quorum being the minutes of yesterday were read.

Mr. NUTTALL gave notice that he would on some future day day would introduce a bill to be entitled, an act for the relief of Thomas Brown and Frederick Weedon.

Mr. FITZPATRICK gave notice that on Monday next he would ask leave to introduce a bill, to amend the act entitled an act concerning the election of members of the Legislative council of the territory of Florida, and for other purposes.

Mr. POPE gave notice that on some future day he would introduce a bill to incorporate the town of Ocheseo.

On motion of Mr. Pope, Mr. Love was added to the Military committee.

Mr. BALTZELL gave notice that on to-morrow, he would introduce a bill to be entitled, an act authorising Farish Carter, Seaton Grantland, and the heirs of Charles Williamson to build a draw bridge over the St. Marks river.

The following resolution was offered by Mr. Cooper, read and laid on the table.

"Be it further Resolved, That the Governor of this territory, be and he is hereby requested to use his endeavors to transmit the laws of this session to the counties for which they were designed, at the earliest period after the printing of the same."

The preamble and resolutions following were offered by Mr. Sanchez, read and adopted.

"Whereas by the act incorporating the City of St. Augustine approved the 11th February 1831, it is made the duty of the City council of said city, to make provision, and establish a school for the education of all free white children of both sexes, residing within the limits of said incorporation, which duty the said city council have been unable to perform, on account of the want of a suitable lot whereon to erect the buildings necessary for that purpose.

Be it therefore Resolved, That our Delegate in Congress be and he is hereby requested, to use his endeavors to obtain from

Congress a donation to the said city of Augustine of the government lot, known in said city, as the "Old Hospital Lot," for the purpose of erecting thereon such buildings as the City Council may deem necessary for the purpose aforesaid.

Be it further Resolved, That a copy of this preamble and resolution be forwaded to our Delegate, with a request that he will bring the subject before the attention of Congress, at its present session."

Mr. WRIGHT from the committee on the Judiciary reported a bill to be entitled, "an act regulating judicial proceedings" which was read a first time and made the order of the day for Tuesday next.

He also reported, from the Select Committee to whom that subject had been referred, a bill to be entitled, "an act to regulate the fees of certain officers," which was read a first time.

Mr. NUTTALL from the Select Committee to whom the subject had been referred, reported a bill to be entitled, "an act to authorise the sale of certain real estate of Walter Saunders deceased, which was read a first time.

Mr. BALTZELL from the Committee on the State of the Territory, reported a bill to be entitled, "an act to organise a county to be called Columbia, which was read a first time and ordered to a second reading on Monday next.

The bill to be entitled "an act to provide for the collection of judgements against free negroes and mulattoes," was read a second time and committed to a committee of the whole, Mr. Robiou in the chair, who reported the same with amendments—the report was received; the bill was then read a third time and passed—Messrs Baltzell, Cooper, Fitzpatrick, Love, Priest, Robiou, Sanchez, and Warren: 8 voting in favor of, and Mr. President and Messrs Byrd, Hunt, Nuttall, Pope, and Wright: 6 against it—ordered that the title be as aforesaid.

The engrossed bill to be entitled "an act to incorporate commissioners for Shell Point," was committed to a committee of the whole Mr. Sanchez in the chair, who reported the same with amendments; the report was concurred in, and the bill read a third time and passed: ordered that the title be as aforesaid.

The engrossed bill to be entitled "an act concerning the tax collectors and treasurers of this territory," was committed to a committee of the whole, Mr. Cooper in the chair, who reported the bill with amendments, the report was concurred in, and the same was read a third time and passed: ordered that the title be as aforesaid.

The further consideration of the following bills was postponed until Monday next.

"A bill to be entitled, an act to alter and amend the several acts relating to roads, highways and bridges in the territory of Florida."

"A bill to be entitled, an act regulating the mode of suing out writs of error, and prosecuting appeals in the court of appeals, of the Territory of Florida."

The House resolved itself into a committee of the whole, Mr. Warren in the chair, on the bill to be entitled, "an act to amend an act concerning patrols," the committee reported progress and asked and obtained leave to sit again.

The bill to be entitled, "an act to incorporate a Bank in the City of Tallahassee," was read a second time and committed to a committee of the whole, Mr. Warren in the chair, who reported progress and asked and obtained leave to sit again on Tuesday next.

The House then adjourned until 11 o'clock on Monday next.
JANUARY 30.
The House met pursuant to adjournment and a quorum being present the minutes of Saturday were read.

Mr. NUTTALL gave notice that on some future day, he would ask leave to introduce a bill to authorise George Fisher Senior, to build a mill dam and lock across the Ocklocknee river.

Mr. WARREN gave notice that on some future day, he would introduce a bill to be entitled an act to require the holding of an additional term of the superior court in Hamilton county.

Mr. SANCHEZ gave notice that on to-morrow he would introduce a bill to be entitled an act to require incumbrances upon property, to be made public.

Mr. NUTTALL introduced a bill to be entitled an act for the relief of Thomas Brown, and Frederick Weedon, which was read a first time.

Mr. BALTZELL introduced a bill to be entitled an act authorising Farish Carter, Seaton Grantland, and the heirs of Charles Williamson dec'd, to build a draw bridge over the St. Marks river, which was read a first time, also, a bill to be entitled an act to provide for laying out the school lands in this territory, which was referred to the committee on schools and colleges.

Mr. FITZPATRICK introduced a bill to be entitled an act to amend an act, concerning the election of members of the Legislative Council of the Territory of Florida, which was read a first time and ordered to a second reading to-morrow.

Mr. POPE presented the petition of Wills and Perry, asking the privilege of establishing a ferry on the Appalachicola river, which was read and referred to a select committee, consisting of Messrs Pope, Baltzell, and Cooper.

The President presented the petition of Solomon E. Matthers, and William Connell, praying to be relieved from the payment of certain money, which was read and referred to the committee on Finance.

Mr. NUTTALL presented a memorial from George Fisher, which was read and laid on the table.

The following resolution offered by Mr. Wright, was read and adopted:

Resolved, That the Sergeant at arms, be instructed to collect and sell at public auction, the furniture of the last legislative council, and to pay over the amount arising from such sale, to the order of the committee of Finance.

The following resolution was offered by Mr. Baltzell, read and adopted:

Resolved, That the committee on schools and colleges, be and they are hereby instructed to prepare a memorial to be addressed to Congress, praying for the sale of the sixteenth sections throughout the territory, and for the appropriation of the money to arise therefrom to the use of schools in the respective townships.

Mr. BYRD from the committee on enrolled bills, reported correctly enrolled, an act to provide for building a jail at Key West.

Mr. LOVE from the committee on Claims made the following report, "that they have had under consideration the petition of Benjamin Firl, and are of opinion, that his case comes properly before the county court." And beg to be discharged from the further consideration of the subject.

Mr. WRIGHT from the committee on the Judiciary made the following report.

The committee on the Judiciary, to whom was referred the communication of John Rodman Esqr., of the 3d inst., beg leave to report that they have given to the plan of Mr. Rodman, for embodying the laws of Florida in separate codes—the respectful consideration to which it is entitled from the known ability and industry of that gentleman. The committee have had before them a specimen of the plan of Mr. Rodman in the draft of a laws to establish rules of practice, and pleading in the superior courts of this territory, and they have no

hesitation in expressing their opinion, that many of its provisions which differ widely from the existing laws would be productive of a very salutary influence upon this branch of our jurisprudence. But it is not in all cases safe in legislation to accept of even certain advantage, coupled with the possible inconveniences always incident to a change. In fact, though it may seem somewhat paradoxical, it is nevertheless true, that changes for the better are not always desirable. The great evil under which we have suffered, is an excess of legislation. Time is scarcely afforded to make a judicious exposition of a law, before it is repealed, and a new one is enacted in its stead, the new law is in its turn repealed, and thus the labors of Sysiphus are fairly exemplified in the decisions of our courts.

The committee do to Mr. Rodman's plan, the justice to believe that had it been adopted and wisely executed at the commencement of our territorial government, it would have exerted upon the practice of the law, and upon the rights of the people, a much more salutary influence than has been felt, from the laws which have from time to time been enacted, in this territory, but they believe that it is now too late to attempt the numerous and important changes proposed. The committee therefore beg leave to be discharged from the further consideration of the subject.

Respectfully submitted,

BENJAMIN D. WRIGHT.

The committee on the judiciary, who have been instructed to enquire into, and report upon, the expediency of passing some law to authorise the holding to bail of absconding debtors, and also, to authorise the issuing the writ of *CAPIAS AD SATISFACIENDUM*, have the honor to report that they deem the passing of such a law, not only expedient but highly important to the present and future interest, and to the character of the territory. That the English law on this subject, which permitted the creditor so long as he was willing to pay the expense attendant on the confinement of his debtor to keep him in prison, was a hard and rigorous law, no one will doubt, but it is believed, to be as unjust, and impolitic to exempt the fraudulent debtor, from all restraint as it would be, to subject the honest but insolvent debtor, to imprisonment at the will of his relentless creditor, indeed it may well be questioned, whether so far as either plan is calculated to exert a moral influence, the latter plan be not preferable. Law is defined to be a rule of civil conduct, but when it happens to square with the interests of those on whom it operates; they are ever ready to make it a rule of moral conduct also; if the rule of law indulge the passions or subserve their present convenience, they lose sight of all the higher obligations of honor and morality, and are too apt to think that they have done enough for both by conforming themselves to the strict letter of the law. When, therefore, the law puts it in the power of the debtor to defraud his creditor by withholding from him his honest dues, it not only tends to the destruction of all private credit, and the subversion of all private confidence, but to the destruction also of a proper state of moral feeling in the community—Good laws may not be capable of supplying a wholesome morality where it does not exist, but bad laws will certainly destroy it where it does exist—whilst the committee would urge, however, such an alteration in our present laws as would enable the creditor to procure that justice which it is the great object of all laws to enforce, they would, also, desire to see the honest but poor debtor surrounded with the most inviolable protection against imprisonment or unnecessary restraint. There is nothing criminal in a man's being in debt beyond his means of payment, but it is certainly inconsistent with all notions of common honesty, for the debtor to withhold or secrete those means of payment which he really possesses. After looking at the subject in every point of view in which it

has been presented to them, the committee are of opinion that the act of 1824, to abolish imprisonment for debt, and for the relief of insolvent debtors, with some slight modifications furnishes the most eligible plan on the subject.

The committee therefore recommend the adoption of the following resolution.

Resolved, as the sense of this legislative council, that the laws in relation to the collection of debts, ought to be so altered and amended that while the utmost protection is afforded to the honest but insolvent debtor, the dishonest and fraudulent debtor may be subjected to imprisonment until a fair surrender of his effects be made in payment of his debts.

Respectfully submitted,

BENJAMIN D. WRIGHT.

The first report was read and concurred in, the other report and accompanying resolution was read and laid on the table.

Mr. BALTZELL, asked and obtained leave to enter his dissent there to, at some future day on the journals.

The further consideration of the following bills was postponed until to-morrow.

A bill relating to crimes and misdemeanors.

A bill relating to the administration of estates, and the duties of executors, administrators and guardians.

A bill concerning usury.

A bill to alter and amend the several acts relating to roads highways and bridges in the territory of Florida.

A bill concerning patrols.

A bill regulating the mode of suing out writs of error and mode of prosecuting appeals in the court of appeals of the territory of Florida.

The several bills incorporating a company to be called the St. Andrews and Chipola canal company.

The engrossed bill to organise and form a new county in the territory was made the order of the day for wednesday.

The bill to provide for holding the next session of the legislative council at St. Augustine, was made the order of the day for thursday.

The pre-ambles and resolutions, introduced by Messrs Priest, Pope and Warren, on the 26th inst. were made the order of the day for thursday.

The bill relative to the introduction of slaves, was committed to a committee of the whole, Mr. Warren in the chair, who reported the bill with the first section and enacting clause stricken out, in which report the House concurred; Mr. President and Messrs Baltzell, Cooper, Fitzpatrick, Hunt, Pope, Robison, and Wright; 8 voting in the affirmative, and Messrs Byrd, Love, Nuttall, Priest, Sanchez, and Warren 6 in the negative.

The bill to be entitled an act to organize a county, to be called the county of Fayette, was read a 2d time and committed to a committee of the whole, Mr. Robison in the chair, who reported the bill with amendments, which report was concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

The bill for the relief of Allen W. Coleman, was read a 2d time and committed to a committee of the whole, Mr. Fitzpatrick in the chair, who reported the same with the enacting clause stricken out, the House concurred in the report.

Mr. COOPER'S resolution in relation to the distribution of the laws of this session, was read and adopted.

The bill to be entitled an act, to authorise the sale of certain real estate of Walter Sanders dec'd., was read a 2d time, and committed to a committee of the whole, Mr. Wright in the chair, who reported the bill with amendments, the report was received and the bill ordered to be engrossed, and read a third time to-morrow.

The bill to be entitled an act to organise a county to be called Columbia, was read a 2d time and committed to a committee of the whole, Mr. Robison in the chair, who reported the same with amendments, the report was concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

The bill to be entitled an act to amend an act, to raise a revenue for the Territory of Florida, was read a 2d time and committed to a committee of the whole, Mr. Love in the chair, who reported the same with amendments, the report was received, the rules waived, the bill read a 3d time and passed, ordered that the title be as aforesaid.

The House in committee of the whole, Mr. Cooper in the chair, resumed the further consideration of the bill to be entitled, an act to authorise the sale of the real estate of Alexander Adair, the bill was reported with amendments, the report was concurred in, the rules of the House were waived and the bill read a 3d time and passed, ordered that the title be as aforesaid.

The House then adjourned until to-morrow 10 o'clock.

JANUARY 31.

The house met pursuant to adjournment, and a quorum being present the minutes of yesterday were read.

Mr. NUTTALL introduced a bill to be entitled an act to authorise George Fisher Sen. to build a mill dam and lock across the Olocknee, and for other purposes, which was read a first time.

Mr. WARREN introduced a bill to be entitled an act for the holding a special term of the Superior Court for the Middle District of Florida, in Hamilton county, which was read a 1st time and ordered to a second reading to-morrow.

Mr. SANCHEZ introduced a bill to be entitled an act to require incumbrances on property to be made public, which was read a 1st time and ordered to a second reading on Thursday next.

Mr. BYRD gave notice that he would ask leave to-morrow to introduce a bill to be entitled an act to incorporate a company by the name of the Leon Rail Road Company.

Mr. BALTZELL entered his dissent made to the report made by Mr. Wright on yesterday from the Committee on the Judiciary in the following terms.

The undersigned a member of the Judiciary Committee, begs leave to dissent from the views in the report of that body on the subject of bail and imprisonment for debt.

It would be justly regarded as evidence of presumption to embody arguments on a question which has enlisted, in opposition to it the first and ablest men in America. It is sufficient to state, that imprisonment for debt has been abandoned in many states by its warmest and most zealous supporters, and it would be strange indeed in us to make a retrograde movement in behalf of a measure that is beginning to be abandoned elsewhere by almost unanimous consent.

(Signed) THOS. BALTZELL.

The PRESIDENT presented the following communication from the Acting Governor.

EXECUTIVE OFFICE, }
Tallahassee, Jan. 29, 1832. }

SIR: In answer to the resolution of the Council requesting information respecting the postage paid for the Governor and Secretary of this Territory; I have the honor to enclose a communication from the Auditor shewing the amount paid for that object since 1828. Copies of the only three accounts in my favor for postage, and of those of the Governor since 1828, are also enclosed.

The postage properly payable by the territory accrues on returns of the elections for Delegate, Members of the Council, County and Militia officers, the laws of other States transmitted to this office

letters enclosing official bonds, relating to the appointment of officers, resignation of Commissions, and other territorial business.

Until the last two years, the annual pamphlet of the laws was transmitted by Mail to Justices of the Peace and some other officers and on which the postage was paid here, but the increased number of officers and notice of the fact, that Congress in the annual appropriation expressly included the transportation of the laws, as one object of the appropriation, induced the discontinuance of this practice and the sending the laws by other modes of conveyance. There is some portion of the postage heretofore paid which is properly payable by the United States and respecting the payment of which by the United States there will be no difficulty. I imagine the amount is about \$20 annually, and it accrues on communications between the Superintendent of Indian affairs and the agent and Sub-Agent of Indians and others relating to business of the U. S. If paid by the United States it would be out of the appropriation for the contingent expenses of Florida. This is \$350 annually. If the territorial law allowing payment of the postage is repealed, the letters would have to remain in the Post Office, or the whole amount paid out of this appropriation which since the repeal of the territorial law providing for the appointment of a clerk to the Executive is hardly sufficient to defray the incidental expenses of the Governors and Secretary's Offices. I have been careful in my accounts to deduct all postage on letters not on public business and not filed as such in my office, as will be seen by an inspection of them.

I am sir respectfully your obt. servt.

J. D. WESTCOTT, JR.

Hon. Abram Bellamy,

President of the Council.

This communication was read and with the accompanying documents laid on the table.

Mr. LOVE presented a report from the Commissioner of School Lands in Gadsden county, which was read and referred to the committee on Schools and Colleges.

The PRESIDENT presented a memorial from William La Prade praying the payment of an amount which was read and referred to the Committee on claims.

Mr. BOOTH presented various petitions from citizens of Jackson county against the division of that county which were read and laid on the table.

The resolutions following were offered by Mr. Nuttall, read and adopted.

Resolved, that our Delegate in Congress be requested to urge the passage of a law to establish an arsenal in this Territory as a measure highly important to the peace and safety of the country.

Resolved further, that his excellency be required to transmit this resolution to the Delegate by the next mail.

The several resolutions following were offered by Mr. Fitzpatrick, read and adopted.

Resolved, that the Committee on the State of the Territory be instructed to memorialize Congress on the subject of removing the Indians out of this Territory and the appointing a sufficient number of competent persons to effect that measure.

Resolved, that the Finance committee be authorised to demand from the representatives of the late Treasurer of the territory, the books and papers belonging to that office, and that the chief Clerk, do notify them of this resolution forthwith.

The resolution following was offered by Mr. Baltzell and laid on the table.

Resolved, that the journals, papers, and other documents of the Le-

Legislative Council be handed over by the clerk to the Secretary of the Territory to remain in his care.

The acting Governor communicated that he had approved and signed, and filed in his office the following bills, viz:

An act to establish the boundary line between Leon and Jefferson counties.

An act to provide for building a Jail at Key West.

Mr. FITZPATRICK from the Committee on Finance made the following report:

The Finance Committee to which was referred the petition of Solomon G. Mathers and William Connell, Tax Collector and Tax Assessor of Jefferson County, have the same under consideration and have discovered upon an examination of the Auditors books, that the original amount returned from that county, \$694 7-100 and that upon representation of the assessor to the Auditor that the poll tax collected for the county was included on that sum an allowance of \$94, 35 cents was made to him for the same making the tax for the territory \$530---\$66,35 cents of which is in arrear and stands charged on the books against the Tax Collector.

The Finance Committee to which was referred the bill to be entitled an act to prohibit the County courts from levying taxes in certain cases, have had the same under consideration and beg leave to be discharged from the further consideration of it.

Mr. WRIGHT from the Committee on the Judiciary reported a bill to be entitled an act directing the method of proceeding against absent debtors, and other absent defendants, and on attachment against absconding debtors, which was read a first time and made the order of the day for Friday next.

Mr. FITZPATRICK from the Select committee to whom had been recommended the contract heretofore reported from that Committee reported the same as concluded with William Wilson, which was read and agreed to by the house.

Mr. NUTTALL from the Select Committee on Divorces to whom had been referred their petitions, reported the following bills, which were severally read the 1st time.

A bill to be entitled an act for the relief of Enoch Dudley.

A bill to be entitled an act for the relief of Reuben Price.

Mr. BYRD from the Committee on Enrolled bills reported corrected enrolled.

An act to establish the rate of pilotage for the St. Johns and Nassau rivers.

An act to incorporate the Commissioners for Shell Point.

An act to establish the Gadsden Springs in Alachua county, and to establish a ferry on the Suwannee.

An act concerning the Tax Collectors, and Treasurer of this Territory.

An act to repeal an act concerning the Literary fund.

And an act to Incorporate the Trustees of Quincy Academy

The PRESIDENT presented the following communication from the Acting Governor.

EXECUTIVE OFFICE, TALLAHASSEE, }
January 30th 1832. }

SIR—Accompanying this communication is the bill entitled, "An act to amend and alter the several acts in regard to a treasurer and auditor of this territory." That provision in this bill giving the power of election or appointment of these two officers to the council exclusively, is in my opinion in violation

of the acts of Congress organizing the territorial government, and to which all our legislation must strictly conform. The Organic laws in the distribution of powers to the several branches of our territorial government bestow upon the governor the power "to appoint and commission by and with the consent of the legislative council, all officers civil and of the militia, whose appointments are not [in said laws,] otherwise provided for, and which shall be established by law." This power has been exercised by the executive from the first organization of the territory. Until the law I have quoted is annulled, and without the express and undoubted permission of Congress in a new law, the council have no right to wrest from the executive any portion of the powers thus conferred. In my opinion no such permission has been granted. I have understood it has been argued that this permission is to be found in the act of Congress of the 21st of January 1829, entitled "An act to authorise the citizens of Arkansas and Florida to elect their officers and for other purposes." I have examined this law attentively, and cannot discover even the shadow of a foundation for such argument. It cannot be contended that any part of this act relates to, or affects this question, but the 1st, 2nd, and 4th, sections.

Those sections are in these words:

First section—"The citizens of the territory of Arkansas, qualified to vote shall and may, at such time and place and under such rules and regulations, as the legislature of said territory may prescribe, elect their officers, civil and military, except such as by the laws of Congress now in force are to be appointed by the President of the United States: and except also, justices of the peace, auditor and treasurer for said territory, who shall be chosen by joint vote of both Houses of the legislature at such time, and for such term of service as the said legislature shall prescribe."

Second section—"The term of service, and the duties and powers, fees, and emoluments of the officers, civil and military, so chosen by the citizens, shall be prescribed by the legislature, and they shall be commissioned by the governor of the territory, and subject to be removed from office in such mode and for such cause as the legislature shall declare by law." "All laws now in force, inconsistent with the provisions of this act are hereby repealed." "This act shall take effect from and after the first day of December 1829."

Fourth section—"It shall be lawful for the qualified voters of the territory of Florida to elect their officers, civil and military, in such manner and under such rules, regulations, restrictions, and conditions, as are prescribed in the foregoing provisions in the two first sections of this act."

I clearly understand this law to provide nothing more than that the privilege of electing certain officers extended to the people of Arkansas shall also, be given to the "qualified voters" of Florida. This was the opinion of the council of 1829. I am totally at a loss to conceive how the law can be construed to bestow the authority upon the legislative council of Florida, which is given to the two Houses of the legislature of

Arkansas jointly. It certainly was not intended to describe *the council* in their capacity, as a legislative body, by the term "*qualified voters*," and yet this is the only designation of those upon whom the power of electing any officers is conferred in Florida by this law. Nor can we presume that it was intended by Congress to bestow this power upon the legislative council, without the concession, that the act is very bungling and incomplete; or that those who framed it, were ignorant of the fact, that the legislatures of Florida, and Arkansas, are very differently constituted; for, if such was the intention of Congress, with a knowledge of this fact, some provision regulating the mode of proceeding, applicable to our legislature, would have been inserted. It may be said perhaps, to grant to the legislature of one territory such powers and not to another, would be partial and unequal legislation. Good reasons for this distinction, however, can be found in the circumstance just adverted to, of the legislatures being differently composed.—Principles of sound policy, which in the opinion of Congress, might forbid the extension of such power to a legislative body composed of but few members, and forming in itself, the only popular branch of the legislature, as is the case in Florida, and at the same time, would not induce the withholding it from the *two Houses* of the legislature of Arkansas. The act of Congress is to my view plainly and perspicuously drafted, and the construction I have given to it clear and manifest. Any other construction renders the act imperfect, and incongruous.

This construction is fortified by another act of Congress of May the 8th 1830, amendatory of the former act. The fact that the amendments, some of which relate to the appointment of justices of the peace, auditor, and treasurer, as prescribed in the first section of the former act, *refer solely to Arkansas*, is it appears to me conclusive on this point. *Florida* is not mentioned in this supplemental act, and yet it must be conceded if the provisions in the former law were intended to apply to us, equal reasons exist for giving us the benefit of the amendments.

I think the council should not assume the exclusive power of appointment, unless it is clearly and indisputably delegated to them. If there is any room *for doubt*, its exercise should not be attempted. The power of appointment is not a natural, or proper attribute of a *legislative* body. Its exercise is more properly an *executive* function. This power is not "*inherent*," (as has been contended,) in the council, nor in any branch of government, but it belongs originally to the *People*. It has, however, been classed by the wisest political writers, as most properly appertaining to the *executive*. Evils are attendant on its being exclusively vested in either. The effect of placing it with the executive solely, would be the creation of a corps of hangers-on at the metropolis, seekers of office, and dependants on gubernatorial favor, (*pests* in any government,) and on the other hand, experience has proved, that giving such power to a legislative body, tends to corruption in the elections before the people, interference with, and the obstruction of the course of legislation, and often to the introduction of a system of bar-

gain, intrigue, and management, destructive of the character and dignity of the legislature, and subversive of all good principles. Congress, I have no doubt, so considered, in vesting the appointing power in the governor and legislature of Florida, to be exercised conjointly. Each acts as a check upon the other, and the evils resulting from the exclusive exercise of such power by either, are thereby avoided.

The power to reject improper nominations by a governor, judiciously exercised by the council, is fully sufficient to subserve every useful purpose. It has not in any case been thus exercised, and failed in having proper effect.

But if the power of the council to pass this law is conceded I am yet to learn why it is *necessary*, or if necessary, why confined to the two offices of treasurer and auditor. With equal propriety and reason, should the council elect justices, notaries, auctioneers &c. The executive from whom impropriety is to be apprehended in regard to the former, should not be entrusted with the nomination of the latter. The act of Congress confers the same power upon the council in respect to all these offices. The executive has no control over the funds of the treasury, in any respect, nor any power over its officers, after their appointment. He has in no wise any concern with that department, except to draw for his postage account, and for rewards for the apprehension of criminals &c. The notion that the power of appointment in this territory is one from the exercise of which, either advantage, or satisfaction is to be derived is founded in mistake. There is none in the whole range of executive duties, more irksome vexatious and unpleasant; or which consulting only the personal interests and ease of the executive, I should be less tenacious of yielding. The most judicious exercise of this power will not shield the executive from censure, or prevent clamor and dissatisfaction. The obligation to conform to the Organic laws, and the belief that the proposed law is dangerous in principle compels me however to reject it.

Very respectfully

Your obt. servant

JAMES D. WESTCOTT, Jr.

HON. A. BELLAMY,

President of the Council.

The consideration of the bill and communication was postponed until to-morrow.

The resolution offered by Mr. Wright on yesterday was taken up, and amended, so as to read, "Resolved, as the sense of this Legislative Council, that the laws in relation to the collection of debts ought to be so altered and amended that while the utmost protection is offered to the honest, but insolvent debtor, the dishonest and fraudulent debtor refusing to make a fair surrender of his effects, in payment of his debts, may be subjected to imprisonment," as amended the resolution was adopted:

Mr. Priest and Messrs. Booth, Byrd, Fitzpatrick, Hunt, Love, Nuttall and Wright—8 in the affirmative; and Messrs. Baltzell, Cooper, Pope, Priest, Robiou, Sanchez and Warren—7 in the negative.

The committee of the whole, Mr. Hunt in the Chair, resumed the

further consideration of the bill to be entitled "An act relating to crimes and misdemeanors" they reported progress and asked and obtained leave to sit again.

The further consideration of the following bills was postponed until another day.

A bill to be entitled an act to amend an act for the summoning of Grand and Petit jurors and for other purposes.

A bill concerning Usury.

A bill relating to roads, highways and bridges.

A bill concerning the administration of estates, and the duties of executors, administrators and guardians.

The bills concerning the Chipola and St. Andrews Canal company.

The engrossed bill to alter the time of holding the Superior Court of Jackson county.

And the engrossed bill to organize a county to be called the county of Fayette.

The bill to be entitled, an act to regulate the fees of certain officers, was read a 2d time and committed to a committee of the whole, Mr. Nuttall in the chair, who reported the same with amendments, which was received.

The house in committee of the whole, Mr. Warren in the chair, resumed the further consideration of the bill concerning patrols—who reported progress and asked and obtained leave to sit again.

The house in committee of the whole, Mr. Warren in the chair, resumed the further consideration of the bill concerning the court of appeals, who reported the same without amendment, the report was received—and the bill made the order of the day for to-morrow.

The engrossed bill to be entitled, an act concerning Soldiers and Seamen, was re-committed to a committee of the whole, Mr. Sanchez in the chair, who reported the same without amendment—the report was received, Mr. President and Messrs. Baltzell, Booth, Cooper, Fitzpatrick, Love, Nuttall, Priest, Robiou, Sanchez and Warren—11 votes for, and Messrs. Byrd, Hunt, Pope and Wright—4 against it.

Mr. BALTZELL withdrew the resolution offered by him on a former day, in relation to printing.

The bill to be entitled, an act to amend an act establishing a ferry over the Suwannee river, was read a 2d time, and ordered to be engrossed and read a 3d time to-morrow.

The engrossed bill to be entitled an act for the relief of William Hah, was read a 3d time and passed—Messrs. Baltzell, Booth, Cooper, Hunt, Love, Nuttall, Pope, Priest, Robiou, Warren and Wright—11 voting for; and Mr. President, and Messrs. Byrd, Fitzpatrick, and Sanchez—4 against it, ordered that the title be as aforesaid.

The engrossed bill to be entitled, an act to organize a county to be called Columbia was read a 3d time and passed, ordered that the title be amended by adding, "and for other purposes."

The engrossed bill to be entitled, "an act to amend an act entitled an act to raise a revenue for the territory of Florida," was read a 3d time and passed; ordered that the title be as aforesaid.

The engrossed bill to be entitled, "an act to authorise the sale of the real estate of Walter Sanders dec'd., was read a 3d time and passed; ordered that the title be as aforesaid.

The House then adjourned until to-morrow 9 o'clock.

FEBRUARY 1.

The house met pursuant to adjournment and a quorum being present the minutes of the preceding day were read.

Mr. BYRD introduced a bill to be entitled an act to incorporate the Leon Rail Road Company, which was read a first

time and made the order of the day for Tuesday next.

Mr. LOVE introduced a bill to be entitled an act to amend the Militia laws of this territory, which was read a first time and referred to the committee on the militia.

The following nominations made by the Acting Governor on a former day were confirmed; viz, Charles Austin, as Treasurer, Leslie A. Thompson, as Auditor, and John Westcott Jr. as Auctioneer, for Leon County, vice, Charles Austin appointed Treasurer.

The engrossed bill to be entitled an act to amend an act establishing a ferry over the Suwannee river, was read a third time and passed, ordered that the title be as aforesaid.

Mr. BYRD from the Committee on Enrolled bills reported correctly enrolled the following acts.

An act to provide for the collection of judgments against free negroes and other persons therein named.

An act to prohibit our citizens from trading with the Indians and for other purposes."

An act to authorise the sale of the real estate of Alexander Adair deceased.

Mr. SANCHEZ from the committee on the militia reported a bill to be entitled an act to organize and regulate the militia of the Territory of Florida, which was read a 1st, 2d, and 3d time and passed—Ordered that the title be as aforesaid and that six hundred copies of the same under the superintendence of Messrs. Sanchez, Hunt and Warren be printed for the use of the house.

Mr. WRIGHT from the committee on the Judiciary reported a bill to be entitled an act concerning executions which was read a first time and made the order of the day for Saturday next.

The act rejected by the acting Governor and returned on yesterday to the house with his reasons therefor, was reconsidered and rejected, Messrs. Baltzell, Cooper, Fitzpatrick, Love, Pope, Priest, Robiou, and Warren—8 voting for, and Mr. President, Messrs. Booth, Byrd, Hunt, Nuttall, Sanchez and Wright—7 against it.

The engrossed bill to be entitled an act to alter the time of holding the Superior Court of Jackson county, was postponed until to-morrow.

The bill to be entitled an act to prohibit the county courts from levying taxes in certain cases was read a 2d and 3d time and passed—Ordered that the title be as aforesaid.

The house in a Committee of the whole, Mr. Warren in the chair, resumed the further consideration of the bill to incorporate a bank in the city of Tallahassee, the bill was reported with amendments—the report was concurred in and the bill ordered to be engrossed and read a third time to-morrow.

The engrossed bill to be entitled an act to organize a new county to be called Fayette, was again taken up. Mr. Booth moved the following amendment to the 1st section.

To the east boundary line of section No. 32, of Township No. 5, of Range No. 9, North and West—thence South with said line to the South east corner of section No. 5 of Township

No. 4 of said range—thence were one mile being the south boundary of the aforesaid section No. 5—thence North to the said Spring creek.

The amendment was rejected, Mr. President and Messrs Booth, Byrd, Hunt, Nuttall, and Sanchez—6 voting for; and Messrs Baltzell, Cooper, Fitzpatrick, Love, Pope, Priest, Robiou, Warren, and Wright—9 against it.

The bill was read a 3d time and passed; Mr. President, and Messrs Baltzell, Cooper, Fitzpatrick, Love, Nuttall, Pope, Priest, Robiou, Sanchez, Warren, and Wright—12 voting for; and Messrs Booth, Byrd, and Hunt—3 against it.

The engrossed bill to be entitled an act regulating the mode of suing out writs of error and prosecuting appeals in the court of appeals of the territory of Florida, was read a 3d time and passed: Mr. President and Messrs Baltzell, Booth, Byrd, Hunt, Love, Nuttall, Priest, and Wright—9 voting for; and Messrs Cooper, Fitzpatrick, Pope, Robiou, Sanchez, and Warren—6 against it.

The engrossed bill to be entitled, "an act concerning soldiers and seamen," was read a 3d time and passed: Mr. President and Messrs Baltzell, Booth, Cooper, Fitzpatrick, Love, Nuttall, Priest, and Warren—9 voting for; and Messrs Byrd, Hunt, Pope, Robiou, Sanchez, and Wright—6 against it: ordered that the titles be as aforesaid.

The engrossed bill to be entitled, "an act to organize and form a new county in this territory," was read a 3d time and passed: ordered that the title be—"an act to lay out and organize the county of Franklin."

The bill to be entitled, "an act amendatory of the several acts concerning the administration of estates, and the duties of executors, administrators, and guardians," was committed to a committee of the whole, Mr. Cooper in the chair, who reported the same with amendments; the report was received, the bill read a 3d time and passed: ordered that the title of the bill be, "an act to amend the several acts," &c.

The House in committee of the whole, Mr. Hunt in the chair, resumed the consideration of the bill to be entitled, "an act relating to crimes and misdemeanors,"—The bill was reported with amendments, the report was received and the bill ordered to be engrossed and read a 3d time to-morrow.

The House in committee of the whole, Mr. Warren in the chair, resumed the further consideration of the bill concerning patrols, the bill was reported with amendments, the report was received, Mr. Lovemoved that the following be inserted as the first and second sections of the bill:

Be it enacted by the Governor and Legislative council of the territory of Florida, That it shall not be lawful for any slave, negro, or mulatto, to preach or exhort to any assemblage of slaves, under the name or pretence of uniting in public worship, except it be on his or their owner's or guardian's plantation, and in the presence of at least two white persons, who will give satisfactorily assurances of their orderly conduct.

Sec. 2. Be it further enacted, That it shall and may be lawful for the patrol of any county in this territory, and it is hereby made their duty to search for all such assemblages of slaves, and if any they find contrary to the true intent of this act, they may disperse such unlawful assemblages by moderately whipping such slave, or free negro so attempting to preach, or exhort, with a switch, whip, or cowskin, not exceeding twenty-nine lashes, and the patrol may also, take up and whip any of the hearers or associate slaves, free negroes or mulattoes, who may be found not on their owner's or employer's land, and correct them by moderately whipping as above prescribed.

unless such slaves, free negroes, or mulattoes have a ticket from their master, guardian, or overseer, stating that they have permission to go to preaching.

The motion was rejected, Messrs Baltzell, Hunt, Jones, Love, Robiou, and Sanchez—6 voting for, and Mr. President and Messrs Byrd, Cooper, Fitzpatrick, Priest, Warren and Wright—7 voting against it.

The same gentleman moved to insert in the last section these words—"except it be by permission in writing from their owner, guardian or overseer"—which was agreed to; Mr. President, and Messrs Baltzell, Fitzpatrick, Hunt, Love, Robiou, and Sanchez—7 voting for, and Messrs Byrd, Cooper, Jones, Priest, Warren, and Wright—6 against it; the bill as amended was ordered to be engrossed and read a 3d time on saturday next.

The bill to be entitled, "an act to alter and amend the several acts relating to roads highways, and bridges in the territory of Florida," was committed to a committee of the whole, Mr. Fitzpatrick in the chair, who reported the same with amendments, the report was received and the bill read a 3d time and passed, ordered that the title be as aforesaid.

The House then adjourned until to-morrow 10 o'clock.

FEBRUARY 2.

The House met pursuant to adjournment and a quorum being present, the minutes of yesterday were read.

Mr. JONES gave notice that he would on some future day introduce a bill to authorising John Wooten to erect a toll bridge on little river in Gadsden county; also, a bill to divorce John Darby from his wife Treasy Darby.

Mr. LOVE gave notice that he would on to-morrow ask leave to introduce a bill to be entitled, "an act to provide for the division of estates."

Mr. POPE introduced a bill to be entitled, "an act to incorporate the town of Ocheesee," which was read a first time.

Mr. FITZPATRICK offered the resolution following, which was read and laid on the table:

RESOLVED, That the auditor of the territory be and he is hereby authorised to purchase new books and furniture for the auditor and treasurer's offices, the amount of which shall not exceed eighty dollars, and that he draw upon the treasurer for the same.

Mr. BOOTH from the committee on the state of the territory, reported a bill to be entitled, "an act to fix the time of holding the superior court in the Western District of this territory," which was read a first time, and ordered to a second reading on monday.

Mr. BALTZELL introduced a bill to be entitled, "an act respecting the payment of postage on public letters," which was read a first time.

Mr. POPE from the select committee to whom the petition of Mills and Perry had been referred, reported a bill to be entitled, "an act to establish a ferry across the Appalachicola river at Ocheesee," which was read a first time.

Mr. WRIGHT from the select committee to whom it had been referred, reported back a bill to be entitled, "an act to amend the several acts relative to roads and bridges, with amendments," which was read a first time.

Mr. BALTZELL by leave of the House, introduced a bill to be entitled, "an act to amend an act concerning the limitation of actions," which was read a first time and made the order of the day for monday.

The engrossed bill to be entitled, "an act to incorporate a bank in the city of Tallahassee," was read a third time and passed, Messrs Baltzell, Booth, Sanchez, Cooper, Hunt, Nuttall, Pope, Priest, Robiou, and Warren—10 voting for, and Messrs Byrd, Fitzpatrick, Jones, Love, and Wright—5 against it; ordered that the title be, "an act to incorporate the central Bank of Florida."

The preambles and resolutions heretofore offered by Messrs Priest, Pope, and Warren, were ordered to be referred to the committee on the state of the Territory.

Mr. WRIGHT from the committee on the judiciary, reported back without amendment, a bill to be entitled, "an act to amend an act relating to crimes and misdemeanors, committed by slaves, free negroes, and mulattoes," which was read a 2d time and made the order of the day for to-morrow.

The bill to be entitled, "an act concerning usury," was read a 2d time and committed to a committee of the whole, Mr. Hunt in the chair, who reported the same without amendments.

The report was received and the bill ordered to be engrossed and read a 3d time to-morrow.

The engrossed bill to be entitled, "an act to alter the time of holding the superior court of Jackson County," was made the order of the day for monday next.

The bill to be entitled, "an act to provide for holding the next session of the legislative council in the city of St. Augustine," was read a 2d time and committed to a committee of the whole; Mr. Pope in the chair, who reported the bill with amendments, the report was received, the bill read a 3d time and passed; Messrs Booth, Cooper, Fitzpatrick, Jones, Pope, Priest, Robiou, Sanchez, and Warren—9 for it; and Mr. President and Messrs Baltzell, Byrd, Hunt, Love, Nuttall, and Wright—7 against it, ordered that the title be as aforesaid.

The bill to be entitled, "an act to amend an act entitled an act for the summoning of grand and petit jurors and for other purposes," was read a 2d time and committed to a committee of the whole, Mr. Jones in the chair, who reported progressed and asked and obtained leave to sit again.

The President presented a communication from the acting governor in answer to the call made at a former day in relation to the situation of the Indians within this Territory, accompanied by certain documents, was referred to the committee on the state of the territory.

The acting governor communicated to the House, that he had approved, signed, and filed in the Secretary's office:—"an act to incorporate the trustees of Quincy Academy."

"An act to incorporate the city of Key West."

"An act to incorporate the Gadsden Springs, in Alachua County, and to establish a ferry on the Suwannee;" and

"An act to authorise the sale of the real estate of Alexander Adair dec'd."

The bill to be entitled, "an act to regulate the fees of certain officers," was read a 3d time, Mr. Byrd moved to strike out all that part relating to the fees of justices of the Peace: which was lost; Messrs Booth, Byrd, Hunt, Robiou, Sanchez, and Warren—6 voting for, and Mr. President, and Messrs Baltzell, Cooper, Fitzpatrick, Love, Pope, Priest, and Wright—8 against it.

The same gentleman moved to strike out the 8th section of the bill which was carried, Messrs Baltzell, Booth, Byrd, Cooper, Hunt, Priest, Robiou, Sanchez, and Warren—9 voting for, and Mr. President, and Messrs Fitzpatrick, Jones, Love, Pope, and Wright—6 against it; the bill as amended was passed; ordered that the title be

as aforesaid.

The bill to be entitled, "an act regulating judicial proceedings," was read a second time, and committed to a committee of the whole, Mr. Cooper in the chair, who reported progress, and asked and obtained leave to sit again.

The bill to be entitled, "an act to amend an act concerning the election of members of the legislative council of the territory of Florida," was read a 2d time and committed to a committee of the whole, Mr. Jones in the chair, who reported progress, and asked and obtained leave to sit again on monday.

The bill to be entitled, "an act to provide for the holding a special term of the superior court, for the middle district of Florida, in Hamilton County," was read a 2d and 3d time and passed; ordered that the title be as aforesaid.

The resolution offered by Mr. Baltzell, on a former day concerning the books &c., of the legislative council was read and adopted: a bill to be entitled, "an act for the relief of Enock Dudley," was read a 2d and 3d time and passed; ordered that the title be as aforesaid.

The bill to be entitled, "an act for the relief of Rebecca Pierce," was read a 2d and 3d time and passed; ordered that the title be as aforesaid.

The bill to be entitled, "an act to require incumbrances on property to be made public," was read a second time.

The House then adjourned until to-morrow 9 o'clock.

FEBRUARY 3.

The House met pursuant to adjournment, and a quorum being present, the minutes of yesterday were read.

Mr. BOOTH introduced a bill to be entitled, "an act to amend the several acts incorporating the Bank of west Florida," which was read a first time.

Mr. JONES from the committee on elections reported a bill to be entitled, "an act concerning the election of members of the legislative council," which was read a first time and ordered to a 3d reading on monday next.

The same gentleman introduced the following bills, which were severally read a first time.

A bill to authorise John Wooten to erect a toll bridge over little river in Gadsden County, and a bill to provide for taking the census of the territory of Florida, with a view to the more equal apportionment of its representation, which was made the order of the day for tuesday next.

Mr. COOPER introduced a bill to be entitled, "an act to prevent the future migration of free negroes, or mulattoes, into this territory and for other purposes," which was read a first time and ordered to a 2d reading on monday next.

Mr. JONES introduced a bill concerning auction duties, which was read a first time.

Mr. ROBIU presented a petition from sundry citizens of Duval County, praying to be added to the county of St. Johns, which was read and referred to the committee on the state of the territory.

Mr. WARREN presented several petitions from the citizens of Duval and St. Johns' counties, in opposition to the foregoing, which were read and referred to the committee.

Mr. BOOTH introduced a bill to authorise a lottery in the county of Franklin, which was read a first time and ordered to a 2d reading on wednesday next; also, a bill to amend and explain an act entitled, "an act to authorise the laying out a road from the Appalachicola river to Marianna," which was read a first time.

Mr. POPE presented a petition from various citizens of Jackson

county, praying the repeal of the law, making spring, or Robinson's spring creek a navigable stream," which was read and referred to the committee on the state of the territory.

Mr. WRIGHT from the committee on the judiciary reported a bill to be entitled, "an act relative to insolvent debtors," which was read a first time and ordered to a 2d reading on monday next.

Mr. HUNT made the following report:—The select committee to whom was referred the petition of the Wardens of Christ's Church in the city of Pensacola, have had the same under consideration, and have ascertained that the corporation obtained credit from mechanics and others, for the labour &c. done on the church, to the amount of \$2,363, and as the creditors are urging their claims, no alternative is left the said Wardens, but the sale of the church.—The committee therefore, have thought it but just to recommend the passage of the accompanying bill for their relief.

The bill is entitled, "an act for the relief of Christ's Church in the city of Pensacola," which was read a first time and ordered to a 2d reading on tuesday next.

The President presented the following communication from the acting governor:

EXECUTIVE OFFICE, }
February 2d 1832. }

SIR—I return the bill entitled, "an act to incorporate the commissioners for Shell Point," REJECTED. The object of this bill is alleged to be, to regulate the fisheries of Shell Point, and compel those who fish, to bury or burn the offal of their fish, &c., which is now often left on the shores to the injury and annoyance of those who reside near them. If any act is necessary, a general law applying to all fisheries similarly situated, inflicting penalties or punishments for such negligence would be preferable. Such a law might perhaps be useful, but petty corporations like this will soon be found to be greater nuisances than those they are intended to prevent or abate. I consider them obnoxious to our republican institutions.—Besides, and especially, this bill is a restriction upon a highly valuable, natural privilege of our citizens; I object to it, as delegating to the commissioners too extensive powers without any regulation, and without prescribing any means of redress, if they should abuse their power, or of correction, if they should act erroneously. In my communication to the House on the — ultimo, rejecting the bill to incorporate Ross' springs, I stated the principles and reasons fully, which govern me in this decision, and it is not necessary to repeat them here.

(Signed)

JAMESD, WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the legislative council.

The acting governor communicated to the House, that he had approved, signed and filed in the secretary's office, the following acts:

"An act to prevent our citizens trading with the Indians, and for other purposes."

"An act to establish the rate of pilotage for St. Johns and Nassau rivers."

The act to incorporate commissioners for Shell Point, was reconsidered and rejected:—Messrs Booth, Cooper, Love, Pope, Robiou, Warren, and Wright—7 voting for, and Mr. President and Messrs Baltzell, Byrd, Fitzpatrick, Hunt, Jones, Priest, and Sanchez—8 voting against it.

Mr. BYRD from the committee on enrolled bills, reported correctly enrolled.

"An act to organize a county to be called Columbia, and for other purposes."

"An act to amend an act, entitled an act to raise a revenue for the territory of Florida."

"An act to prohibit the county courts from levying taxes in certain cases."

"An act for the relief of Willim Hall."

"An act concerning soldiers and seamen."

"An act to amend an act establishing a ferry over the Suwannee river;" and

"An act to organise and regulate the militia of the territory of Florida."

The bill to be entitled, "an act to amend the several acts relative to roads and bridges," was read a 3d time and passed: ordered that the title be, "an act in addition to the several act &c."

The bill to be entitled, "an act to amend an act; relating to crimes and misdemeanors, committed by slaves, free negroes, and mulattoes," was read a 3d time and passed: ordered that the title be aforesaid.

The House in committee of the whole, Mr. Cooper in the chair, resumed the further consideration of an act regulating judicial proceedings, the bill was reported with amendments; the report was received, Mr. Fitzpatrick then moved to postpone it until the 4th July next, which was lost—Messrs Cooper, Fitzpatrick, Pope, Priest, Robiou, Sanchez, and Warren—7 voting for, and Mr. President and Messrs Baltzell, Booth, Byrd, Jones, Love, Nuttall, and Wright—9 against it. Ordered that the bill as amended be read a 3d time on tuesday next.

The bill to be entitled, "an act to incorporate a company to be called the St. Andres and Chipola canal company," was committed to a committee of the whole, Mr. Love in the chair, who reported the bill with amendments; the report was received; the bill as amended, read a 3d time and passed. Ordered that the title be as aforesaid.

The bill to be entitled, "an act authorising George Fisher Sen., to build a mill dam and lock across the Ocklocknee river, and for other purposes," was read a 2d time.

On motion of Mr. Nuttall, the petition of John Carruthers, heretofore referred to the committee on claims, by said committee reported back to the House, was referred to a select committee: Messrs Nuttall, Byrd, and Pope, were appointed.

The bill to be entitled, "an act to incorporate the town of Ocheese," was read a 2d and 3d time and passed. Ordered that the title be as aforesaid.

The bill to be entitled, "an act to establish a ferry across the Apalachicola river, at Ocheese," was read a 2d and 3d time and passed. Ordered that the title be as aforesaid.

The resolution offered by Mr. Fitzpatrick on yesterday, providing for books and furniture for the treasurer and auditors offices, was read and adopted.

The bill to be entitled, "an act respecting the payment of postage on public letters," was read a 2d time.

The President presented a letter from Charles Austin, esquire treasurer, which was read and laid on the table.

The House then adjourned until to-morrow 10 o'clock.

FEBRUARY 4

The House met pursuant to adjournment, and a quorum being present; the minutes of yesterday were read.

Mr. LOVE introduced a bill to be entitled "an act to provide for the division of estates," which was read a first time and made the order of the day for tuesday next.

The same gentleman presented the petition of Isaac Dykes, pray-

ing to be divorced from his wife Niccy Dykes, which was read and referred to the select committee on divorces.

The same disposition was made of a petition presented by Mr. Byrd, from Alfred Evans, praying to be divorced from his wife Elizabeth.

The resolution following was offered by Mr. Jones, read and laid on the table.

RESOLVED, That our Delegate in Congress be requested to use his exertions in obtaining the passage of a law of Congress, increasing the per diem allowance of the members of the future legislative council of Florida.

Mr. NUTTALL offered the following resolution which was read and laid on the table :

RESOLVED, That the council chamber be placed under the care of the commissioner of Tallahassee, during the recess of the council, for the use of divine service.

Mr. BYRD offered the resolution following, which was read and adopted :

RESOLVED, That the committee appointed to superintend the printing of the Militia laws be instructed to contract for the printing the laws in force regulating patrols.

Mr. LOVE from the committee on claims, to whom had been referred the petition of William La Prade, made the following report :

The committee on claims, to whom was referred the petition of William La Prade, having had the same under consideration, are decidedly of opinion that his motives of charity will be justly appreciated—and that in order to get sure pay, he must exercise patience, as well as charity.—The report was unanimously concurred in.

Mr. BOOTH from the committee on the state of the territory, to whom had been referred the petition of sundry citizens of Jackson county, reported a bill to be entitled, "an act to declare spring creek commonly called Robinson's spring creek in Jackson county, a navigable stream," which was read a first time and ordered to be read a 2d time on tuesday next.

The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE.

February 4th 1832.

SIR—I return to the council rejected, the bill entitled, "an act for the relief of Willim Hall."—Mr. Hall by this bill is exonerated from the payment of \$370, which he owes to the territory as sheriff and tax collector of Washington county for taxes, received by him, of the year 1830 and part of '31, on the ground that he lost his pocket book containing said taxes in June last. Mr. Hall has no doubt been unfortunate as is alleged, but this allowance to him will establish a dangerous precedent, and its consequences must be injurious. Officers intrusted with public money will be less careful of it, if they have reason to expect a release under circumstances like those presented in this case, and I fear, also, that it would encourage the presentation of false and fraudulent petitions for release. I have noticed on reading the preamble to the bill, that part of the money lost, has been due to the territory, and should have been paid to the territory several months previously. This of itself, would induce, to the rejection of the bill.

I am, sir, with great respect,

Your obedient servant,

JAMES D. WESTCOTT, Jr

The consideration of the act was postponed until monday next.

The acting governor informed the House, that he had approved;

signed and filed in the secretary's office the following acts :

"An act concerning the tax collectors and treasurers of this territory."

"An act to organise and regulate the militia of the territory of Florida."

"An act to amend an act to raise a revenue for the territory of Florida."

"An act to amend an act establishing a ferry on the Sawannee."

"An act concerning soldiers and seamen."

"An act to provide for the collection of judgements against free negroes, and other persons therein named."

"An act to organise a county to be called Columbia, and for other purposes;" and

"An act to prohibit the county courts from levying taxes in certain cases."

The consideration of the engrossed bill, to be entitled, "an act relating to crimes and misdemeanors," was postponed.

The bill to be entitled, "an act to amend the several acts incorporating the bank of west Florida," was postponed until tuesday next; of the bill to be entitled, "an act concerning executors," until monday; and the consideration of the bill to be entitled, "an act to require incumbrances on property to be made public," and the bill respecting the payment of postage on public letters, was postponed until monday.

The engrossed bill to be entitled, "an act for the relief of Thomas Brown and Frederick Weedon," was read a third time and passed, Messrs Booth, Byrd, Hunt, Jones, Nuttall, Robiou, Sanchez, and Warren—8 voting for, and Messrs Cooper, Love, Pope, Priest, and Wright—5 voting against it. Ordered that the title be as aforesaid.

The engrossed bill to be entitled, "an act to amend an act concerning patrols," was read a third time, and re-committed to a committee of the whole, Mr. Love in the chair, who reported the same without amendments; this report was received, the bill read again and passed. Ordered that the title be as aforesaid.

The bill authorising John Wooten to erect a toll bridge over little river in Gadsden county," was read a 3d time.

The bill to amend and explain, "an act to authorize the laying out a road from the Appalachicola river to Marianna," was read a 2d and 3d time and passed. Ordered that the title be as aforesaid.

The bill to be entitled, "an act to incorporate the Leon rail road company," was read a 2d time, and committed to a committee of the whole, Mr. Warren in the chair, who reported the bill with amendments, the report was received, and the bill ordered to be engrossed and read a third time on monday.

The bill concerning auction duties, was read a second time and ordered to be read a third time on monday. The bill entitled, "an act authorising George Fisher Sen. to build a mill dam and lock across the Ocklocknee river, and for other purposes," was read a third time and passed. Ordered that the title be as aforesaid.

The House then adjourned until monday next.

FEBRUARY 6.

The House met pursuant to adjournment and a quorum being present, the minutes of saturday were read.

Mr. ROBIU introduced a bill to be entitled, "an act to establish a ferry across the St. Johns river," which was read a first time.

Mr. POPE introduced a bill to be entitled, "an act to revise and amend the several acts of this territory relative to justices of the peace," which was read and referred to committee on the judiciary.

Mr. NUTTALL introduced the following resolution, which was read and adopted :

RESOLVED, That the accompanying bill of

charges against the commissioner of Tallahassee in favor of John P. Duval Esqr. be referred to the committee on Finance;

Mr. BOOTH introduced the following resolution, which read and adopted:

RESOLVED, That the committee on the judiciary be instructed to enquire into the expediency of the formation of a new judicial district to be composed of the counties of Jackson Fayette, Franklin, and Gadsden, and that said committee have leave to report by memorial or otherwise.

Mr. WRIGHT offered the resolution following, which was read and adopted.

RESOLVED, That no new bill shall be introduced after wednesday next. Mr. President and Messrs Byrd, Cooper, Hunt, Jones, Love, Nuttall, Priest, Warren and Wright—10 voting for, and Messrs Baltzell, Booth, Fitzpatrick, Pope, Robiou, and Sanchez—6 against it.

Mr. PRIEST offered the following resolution, which was laid on the table.

RESOLVED, That our Delegate in Congress be requested to use his exertions in procuring an increase of the members of the legislative council, so as to allow an additional member to the counties of Alachua and Columbia.

RESOLVED FURTHER, That a copy of this resolution be forwarded to our Delegate.

Mr. BOOTH offered the resolution following, which was read and adopted:

Resolved, That the committee on the state of the territory be discharged from the further consideration of the subject of the removal of the Indians within our territory, and that the same be referred to the committee on the judiciary.

The act "for the relief of William Hall," rejected by the acting governor on the 4th instant, was reconsidered and passed. Messrs Baltzell, Booth, Cooper, Hunt, Jones, Love, Nuttall, Pope, Priest, Robiou, and Warren—11 voted for, and Mr. President and Messrs Byrd, Fitzpatrick, Sanchez, and Wright—5 against it.

Mr. President presented a letter from the acting governor closing one from Mr. Baldwin, with proposals for stitching the laws of this session which was read and referred to the committee on printing.

The president presented a communication from the acting governor with a letter from the sub-agent of Indians, D. M. Sheffield, which was read and referred to the committee on the judiciary.

The acting governor made the following communication to the House, which was read.

EXECUTIVE OFFICE, TALLAHASSEE.

February 6th 1832

SIR—I return to the council "an act entitled an act for the relief of Samuel Crosby." I am not satisfied of the justice of his claim, and I cannot consent to any law taking money from the treasury, unless the propriety of it is clear and unquestionable. The claim is predicated upon the ground that the territory recovered a judgment against him for rent of a tenement at St. Marks, which he alleges was private property, and rented by the commissioner through mistake. All the buildings &c. at St. Marks, were returned over by the War Department several years since, to the care and temporary use of the territory. On the ground occupied by the Fort and appurtenant to it, there can be no private tenement, as no person had a right to build there, and the commissioner had authority to rent all such tenements under the law,

and Mr. Crosby, to use all he rented. If he did not it was his own fault. Under all the circumstances of the case I conceive it my duty to reject the bill.

Very respectfully, sir.

Your obedient servant,

JAMES D. WESTCOTT, Jr.

The act was reconsidered and passed; Messrs Baltzell, Booth, Byrd, Cooper, Hunt, Love, Nuttall, Pope, Priest, Warren, and Wright—11 voting for; and Mr. President Messrs Fitzpatrick, Jones, Robiou, and Sanchez—5 against it.

Mr. LOVE introduced a bill to be entitled, "an act to prevent nuisances on the shores of fisheries," which was read a first time.

Mr. President presented a communication from the acting governor enclosing one from the treasurer, which was read and referred to the committee on Finance.

Mr. BYRD from the committee on enrolled bills, reported correctly enrolled.

"An act for the relief of Rebecca Pierce."

"An act to lay out and organise the county of Franklin."

"An act to provide for holding the next session of the legislative council of this territory in the city of St. Augustine, and for other purposes, and at such place thereafter as the legislative council may direct."

"An act for the relief of Enock Dady."

"An act to authorise the sale of certain real estate of William Sanders dec'd."

"An act in addition to the several acts relative to roads and bridges."

"An act to organise a county to be called the county of Fayette."

"An act to incorporate the town of Ocheesee," and

"An act to provide for the holding a special term of the superior court for the middle district of Florida, in Hamilton county."

The engrossed bill to be entitled, "an act concerning usury," was read a 3d time and passed: Messrs Baltzell, Booth, Fitzpatrick, Hunt, Jones, Priest, Robiou, Sanchez, and Wright—9 voting for, and Mr. President and Messrs Byrd, Cooper, Love, Nuttall, Pope, and Warren—7 against it: ordered that the title be, "an act regulating the rate of interest."

The engrossed bill to be entitled, "an act relating to crimes and misdemeanors," was read a 3d time and passed: Mr. President and Messrs Baltzell, Booth, Byrd, Cooper, Love, Nuttall, Pope, Priest, and Wright—10 voting for, and Messrs Fitzpatrick, Jones, Robiou, Sanchez, and Warren—5 against it.

The engrossed bill to be entitled, "an act to incorporate the Leon rail road company," was read a 3d time and passed: Messrs Baltzell, Byrd, Cooper, Love, Nuttall, Pope, Priest, Sanchez, Warren, and Wright—10 voting for, and Mr. President and Messrs Fitzpatrick, Jones, and Robiou—4 against it: ordered that the title be as aforesaid.

The bill to be entitled, "an act concerning the election of members of the legislative council," was recommitted to a committee of the whole. Mr. Jones in chair, who reported the bill with amendments, the report was received; Mr. Wright moved to strike out the 4th section which was lost: Mr. President and Messrs Booth, Byrd, Hunt, Love, Nuttall, and Wright—7 voting for, and Messrs Baltzell, Cooper, Fitzpatrick, Jones, Pope, Priest, Robiou, Sanchez, and Warren—9 against it.

Mr. BOOTH moved to strike out so much of the 2nd section as require the votes to be given viva voce, which was carried: Messrs Baltzell, Booth, Byrd, Hunt, Love, Pope, Robiou, Sanchez, and

Wright—9 voting for, and Mr. President and Messrs Cooper, Fitzpatrick, Jones, Nuttall, Priest, and Warren—7 against it.

The bill was then passed: Messrs Baltzell, Cooper, Fitzpatrick, Love, Pope, Priest, Robiou, Sanchez, and Warren—9 voting for, and Mr. President and Messrs Booth, Byrd, Hunt, Jones, Nuttall, and Wright—7 against it: ordered that the title be, "an act in addition to an act concerning the election," &c.

Mr. WARREN moved a reconsideration of the vote, which was agreed to: and the further consideration postponed until to-morrow.

The bill to be entitled, "an act to authorise Farish Carter, Seaton Grantland, and the heirs of Charles Williamson dec'd., to build a draw bridge over the St. Marks river, was read a 3d time and lost.

The bill to be entitled, "an act concerning executors," was read a 2d time and referred to the committee on the judiciary.

The bill to be entitled, "an act respecting the payment of postage on public letters," was read a third time and passed: ordered that the title be as aforesaid.

The bill to authorise John Wooten to erect a toll bridge over little river, in Gadsden county, was read a third time and passed: ordered that the title be as aforesaid.

The bill to be entitled, "an act to prevent the further migration of free negroes, or mulattoes into this territory and for other purposes," was committed to a committee of the whole, Mr. Hunt in the chair, who reported the same with amendments: the report was received and the bill ordered to be engrossed and read a 3d time to-morrow.

The House then adjourned until to-morrow 9 o'clock.

FEBRUARY 7.

The House met pursuant to adjournment, the minutes of yesterday were read.

Mr. LOVE gave notice that he would on to-morrow ask leave to introduce a bill to be entitled, "an act to incorporate the trustees for Bethel Academy in Gadsden county."

Mr. BALTZELL introduced the bills following, which were severally read a first time.

A bill to provide for the election of the county seat of Jackson county.

A bill to amend an act to regulate proceedings in chancery, and a bill to amend an act to provide for the compilation and publication of all the statutes of this Territory.

Mr. NUTTALL introduced a bill to be entitled, "an act in addition to the act for the relief of the heirs of William Argyle," which was read a first time.

Mr. JONES introduced a bill to be entitled, "an act to divorce John Darby from his wife Teresa," which was read a first time.

Mr. WRIGHT from the committee on the judiciary, to whom the subject had on yesterday been referred, reported a memorial addressed to Congress for the removal of the Indians within the territory, which was read and adopted. Ordered that the clerk forward a copy of the same, with a copy of the executive communication on the same subject, to the Delegate from the territory, and the speaker of the House of Representatives.

The President presented the following communication from the acting governor, in relation to the request made by him on a former day for information upon which certain private bills were founded,—which was read.

EXECUTIVE OFFICE, TALLAHASSEE,
February 6th 1832.

Sir.—On the 20th ultimo, I addressed a communication to the council, stating that it was necessary for the proper consideration of four certain divorce bills passed by the council, that the documents and evidence upon which said bills were founded, should be furnished to me; and an order of the council for that purpose, was respectfully requested, and it was likewise suggested as proper that this course should be pursued in all cases of *private* bills, predicated upon testimony adduced to the House. By a letter from the chief clerk of the council dated the 24th ultimo, I am informed that the council had considered that communication, and had directed him to apprise me that "they declined the request." This request was made in the belief, still entertained, that the express order of the House was proper, if not necessary, to obtain the papers asked for, as they were not communicated with the bills to which they were appurtenant; and that the consideration of such documents and evidence was unquestionably among the powers delegated to, and the duties imposed upon the governor by the Organic laws. The difference of opinion between the council and myself on this subject has left me no alternative between the violation of the most conscientious convictions of duty, and the rejection not only of the bills mentioned, but all others of similar character. A justification might perhaps be found for declining to act on the bills, and for retaining them until the papers properly *appurtenant* to them, were furnished, but this would be a course calculated to excite discord, and disturb the harmony that ought to exist between the legislative council and the governor, and should therefore be avoided. I regard the governor imperiously bound before deciding whether to approve or reject any bill, to investigate for himself, in regard to the *facts* upon which it is predicated, and also its details, as well as its general policy; and I cannot, therefore yield to the council the *exclusive* power of judging of the former.

The Organic laws are the source of all the powers of the governor & of the legislative council. Since the decision of the council I have attentively examined them, but I do not discover any provision restricting the objections of the governor in negating bills to those of a general character or to constitutional grounds. The first Organic act passed March 30th 1822, gave the governor in addition to his executive powers an *unqualified negative* on all the laws without assigning his reasons therefor. After declaring that the *legislative power* should be vested in the governor and legislative council, the act provides that "the governor by and with the advice and consent of the said legislative council, or a majority of them shall have power to alter, modify, or repeal the laws which may be in force" &c. As no regulations are prescribed as to the manner in which he should exercise the power thus conferred, the conclusion I have stated must be correct, as it cannot be supposed it was intended he should have a seat and vote in the council. The act of March 3d 1823, now in force, more distinctly defines his duties. By it he is vested with all the *executive power* as in the former act. The 5th section prescribes "that the *legislative power* shall be vested in the governor and in thirteen fit persons &c., to be called a *legislative council*," and in the 6th section it is directed "that every bill which shall have passed the legislative council, shall before it become a law be presented to the governor, if he approves it, he shall sign it, and if not he shall return it with his objections in writing to the legislative council, who shall enter the objections at large on their journal and proceed to reconsider it; if after such reconsideration two thirds of the members of the legislative council agree to pass the bill &c it becomes a law." If Congress intended to confine the powers of the governor to the rejection of bills on general grounds only, it would have been so expressly stated in the law. The governor's legislative powers are delegated in the very same words as those of the

council, and consulting the terms of the Organic law, he is a co-ordinate and co-equal branch of the legislature, with the council.

No aid is to be obtained for the construction placed on the Organic laws by which the powers of the governor are thus limited, by reference to the general government, or those of any of the states. Our territorial government is of an anomalous character, in several respects, but especially is it peculiar in vesting legislative power in the governor. The President of the United States is clothed with no powers but of an executive character. "All legislative power" is declared by the constitution of the United States to be vested in a Congress to consist of a Senate and House of Representatives. The constitutions of the States are mostly similar in this respect. No analogy is, however, to be found in any of them to our government. The power of veto by the President under the regulations prescribed by the constitution, must be of an executive character merely. It is different in this from the power of the governor of Florida. In considering and deciding upon bills he acts in his legislative capacity. This conclusively follows from the fact that no other mode is prescribed by which he can exercise the legislative powers bestowed upon him, and the supposition that the express in vestiture of the governor with such powers, in two successive laws, was made with an intention that he should not act as a legislator, involves an absurdity not to be imputed to Congress.

But conceding that the power of veto in the governor of Florida is governed by the same rules that governs the exercise of that power by the President of the United States, and I am bold to ask where is to be found the authority for such resurrection upon the powers of the President. It most certainly is not contained in the Constitution of the U. States. It cannot be deduced from any practice in this or any other country, for none such has existed. No admitted axiom in the science of government can be cited to support it, nor am I aware that any writer of acknowledged authority has ever contended for such restriction, as a judicious or salutary rule, and I am therefore much inclined to consider it is one of those attempted encroachments by the legislative upon the executive power, the danger of which is so forcibly and eloquently shown by Gen. Hamilton, in the 73d and 74th number of the Federalist in discussing and defending this very right of veto by the President.

The strict scrutiny made with respect to facts, and the great care observed in regard to details, and particularly in private bills before they can pass both houses of Congress, render it improbable that occasion should arise for the rejection of a bill on any but general grounds. In a body composed of few members—under a government recently established and the laws necessarily unsettled—their time of session very limited—without the corrective of another house, cases often arise where the exercise of such power unrestricted by any fanciful, theoretical notions would be indispensably necessary.

I am totally at a loss to conjecture the principles of policy, which dictate that the power of veto should be thus fettered and restrained. It does not add to the power of the executive. It exposes him to no additional temptations nor does it afford him greater facilities to act with impropriety. If determined to reject a bill right or wrong, he would look for his objections not amongst the facts, but in rules of general policy. The former are susceptible of but little dispute, while the latter are sources of never ending contention. It is believed the general effects of the exercise of this power would be salutary. It would tend at least to restrain the *capacities legisfurandi* of our republican legislatures.

Nor can I imagine any rule of courtesy which requires the concession to the council of the exclusive right to decide upon facts and details. It is respectfully enquired, what is the difference of discourtesy in questioning the propriety of their acts, upon general principles and upon

details and facts. There is no disrespect to the council in an executive performing his duty, although they may differ in judgment. Nor do I think principles of mere punctilio and etiquette should be urged to control an executive in the discharge of his duties under this republican government. Ours is not a government of forms and ceremonies. They are abhorrent to the genius of our institutions. With me the fulfilment of the obligations of official duty are paramount to all such considerations, and with the utmost respect for the council, whenever these obligations and these considerations come into collision, the latter will be disregarded.

If the governor possesses the right to look at the facts and details, & to reject for want of satisfactory proof of facts, he should be furnished the papers and evidence, and with-holding them might be justly considered a departure from courtesy on the other side. The two Houses of Congress pursue a liberal course towards each other in this respect. In Jefferson's manual p. 185, it is said "when bills passed in one house and sent to the other, are grounded on special facts requiring proof, it is usual either by message or at a conference to ask grounds and evidences; and this evidence whether arising out of papers or from the examination of witnesses is immediately communicated" and 3 Hatsel p 48 is cited.

In the discharge of my duty of considering bills, I have proceeded upon this rule. In cases where I merely doubted the expediency or propriety of a bill passed by the House, I have not refused my assent to it. If a member of the council, a doubt would have caused a negative vote with me. The concession involved in this distinction, is all that I can make, tending to impair the power of the governor. The council must be aware that while a respectful consideration will be paid to their decision, it cannot control the governor. The different branches of the government are, on such questions, of necessity, entirely independent. Regarding this subject as one of primary importance, I have thought it due to the council and to myself to make this exposition and explanations of the reasons for the course I have pursued. I have no personal feelings, but I feel bound to prevent any improper encroachment upon the rights and duties of the office with which I am temporarily entrusted. Convinced that the restriction contended for by the council, is proper and legal, I will readily relinquish the power claimed as belonging to that office, but otherwise I can only lament the difference of opinion with the council. I retain the bills above mentioned, until informed of the ultimate decision of the council, on this subject.

Very respectfully,

Your most obedient servant,

JAMES D. WESTCOTT, Jr.,

Hon. A. Bellamy.

Thereupon Mr. Booth offered the following resolution, which was lost.

Resolved, That the evidence on which all bills of divorce were predicated, passed by the legislative council, during the present session, be forwarded to the acting governor,

Mr. WRIGHT then offered the preamble and resolutions following.

Whereas, an application has been made by the acting governor, for the evidence on which this legislative council has passed certain laws—and whereas it has heretofore been unusual to furnish such evidence—and whereas the legislative council is disposed in the particular cases alluded to, in the communication of the acting governor, to supply the evidence required, therefore resolved, that the evidence on which

all bills of divorce were predicated, passed by the legislative council during its present session, be forwarded to the acting governor—which was lost. Mr. President, and Messrs. Booth, Fitzpatrick, Hunt, Nuttall, Pope, Robiou and Wright,—8 voting for; and Messrs. Baltzell, Byrd, Cooper, Jones, Love, Priest, Sanchez, and Warren—8 against it.

Mr. BYRD from the committee on enrolled bills, reported correctly enrolled.

“An act to incorporate the central Bank of Florida.”

“An act to establish a ferry across the Appalachicola river at Ocheesee.”

“An act to amend an act authorising the laying out a road from the Appalachicola river to Marianna.”

“An act authorising George Fisher Sen., to build a mill dam and lock across the Ocklocknee river and for other purposes.”

“An act to amend an act relating to crimes and misdemeanors, committed by slaves, free negroes, and mulattoes.”

“An act to amend act concerning patrols.”

“An act amendatory of the several acts, concerning the administration of estates, and the duties of executors, administrators, and guardians.” and

“An act for the relief of Thomas Brown and Frederick Weedon.”

The engrossed bill to be entitled, “an act to prevent the future migration of free negroes and mulattoes, into this territory and for other purposes,” was read a third time, and passed, ordered that the title be as aforesaid.

The bill to be entitled, “an act to require encumbrances on property to be made public,” was read a 3d time and lost.

The bill to be entitled, “an act directing the method of proceeding against absent debtors, and other absent defendants, and on attachments against absconding debtors,” was read a second time and committed to a committee of the whole; Mr. Cooper in the chair, who reported the same with amendments, the report was received and the bill ordered to be engrossed and read a 3d time to-morrow.

The bill concerning the summoning of jurors, was ordered to be committed to the whole, on to-morrow.

Mr. WARREN introduced a bill to be entitled, “an act regulating the mode of voting in this territory,” which was read a first time.

The bill to be entitled, “an act in addition to an act concerning the election of members of the legislative council,” was reconsidered and passed, ordered that the title be as aforesaid.

Mr. FITZPATRICK offered the resolution following, which was read and adopted:

Resolved, That if any member shall quit this House without leave of the President, the sergeant at arms shall be ordered forthwith to arrest such member, and bring him back into the House, and such member shall be fined five dollars for every such offence.

Mr. BALTZELL introduced a bill to be entitled, “an act to alter the southern and western boundary line of Jackson county,” which was read a first, 2d and 3d time, and passed: ordered that the title be as aforesaid.

The President presented the following communication from the acting governor,

Sir—I return to the council the bill entitled, “an act to alter the southern boundary of Jackson county.” The bill is too uncertain and vague in the designation of the new line.

Upon looking at the law defining the boundaries of Jackson county, approved October 29th 1828. I discover an error which renders

it proper to define anew the whole south western line. One portion of the boundary is declared to be the line “dividing the 12th and 10th ranges of townships.” This absurdity should be corrected.

(Signed)

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

Pres't. legislative council.

The act was reconsidered and the foregoing offered by Mr. Baltzell as a substitute.

The bill to be entitled, “an act to amend an act concerning the limitation of actions,” was read a 2d time and committed to a committee of the whole, Mr. Sanchez in the chair, who reported the bill without amendments: the bill was lost, on the question of agreeing to the report; Messrs Baltzell, Jones, Nuttall, Pope, Robiou, and Warren—6 voting for, and Mr. President and Messrs Booth, Byrd, Cooper, Fitzpatrick, Hunt, Love, Priest, Sanchez, and Wright—10 voting against it.

The bill to be entitled, “an act regulating judicial proceedings,” was read a 3d time and lost:—Messrs Baltzell, Booth, Love, Nuttall, Pope, Sanchez, and Warren—7 voting for; and Mr. President and Messrs Byrd, Cooper, Fitzpatrick, Hunt, Jones, Priest, Robiou, and Wright—9 against it.

The acting governor informed the House that he had approved and signed the following acts:

“An act to authorise the sale of certain real estate of Walter Sanders, dec'd.”

“An act in addition to the several acts relative to roads and bridges.”

“An act to provide for holding a special term of the superior court, for the middle district of Florida in Hamilton county.”

“An act for the relief of Thomas Brown, and Frederick Weedon.”

“An act to amend an act concerning patrols.”

“An act to amend an act authorising the laying out a road from the Appalachicola river to Marianna.”

“An act to repeal an act concerning the literary fund,” which, together with the “act for the relief of Samuel Crosby,” passed by the council against his veto, had been filed in the secretary's office.

The consideration of the bill to be entitled, “an act relative to insolvent debtors,” was indefinitely postponed.

The bill to be entitled, “an act for the relief of Christs' Church in the city of Pensacola,” was read a 2d and 3d time and lost: Messrs Booth, Hunt, Jones, Love, Nuttall, Robiou, and Wright—7 voting for; and Mr. President and Messrs Baltzell, Byrd, Cooper, Fitzpatrick, Pope, Priest, Sanchez, and Warren—9 against it.

The bill concerning auction duties, was committed to a committee of the whole, Mr. Warren in the chair, who reported the same with the enacting clause stricken out, the report was concurred in; Mr. President and Messrs Booth, Byrd, Cooper, Fitzpatrick, Hunt, Priest, Sanchez, and Warren,—9 voting for, and Messrs Baltzell, Jones, Love, Nuttall, Pope, and Wright—6 against it.

The bill to be entitled, “an act to repeal an act to declare spring creek, commonly called Robinsons' spring creek in Jackson county a navigable stream,” was read a 2d and 3d time and passed: ordered that the title be as aforesaid.

The further consideration of the resolution heretofore introduced by Mr. Jones, respecting the per diem allowance of the members of the legislative council, was postponed until the 4th July next: Messrs Booth, Cooper, Fitzpatrick, Hunt, Nuttall, Pope, Robiou, Sanchez,

Warren, and Wright—10 voting for, and Mr. President, and Messrs Baltzell, Byrd, Jones, Love, and Priest—8 voting against it.

The resolution heretofore offered by Mr. Nuttall, in relation to the appropriating the council chamber to the use of divine worship, during the recess, was lost.

The President presented the following communication from the acting governor which was read.

EXECUTIVE OFFICE, TALLAHASSEE,

February 7th 1832. }

Hon. A. BELLAMY,

Pres't. of the council.

SIR—I herewith return to the council the bill entitled, “an act to incorporate a Bank in the town of Magnolia,” and also the bill entitled, “an act to incorporate the central Bank of Florida.” The return of the former bill has been delayed as the presentation of the latter bill was anticipated—it being regarded proper that they should be considered together.—My sentiments with regard to Banking institutions have heretofore been officially expressed.—I am generally opposed to their establishment on principles of policy, and I even regard the power of the council to create such incorporations, as somewhat doubtful: But holding that in this country, a legislator should yield in some measure his own views, on such questions to the decision of the tribunal of public opinion, I had concluded if a charter passed the House carefully framed, keeping in view the protection of the interests of the Bank, on the one hand, and guarding the rights and interests of the people on the other, not to withhold my assent to such bills. Another inducement with me to such course was the belief that the incorporation of another Bank was to prevent the establishment of a branch of the United States' Bank here, which I regard as a greater evil than any other banking corporation.

TWO additional banks to that now in operation in this county, I do not consider necessary. I am not satisfied that even one additional bank is needed. The whole amount of notes that the present Bank in this village has been able to keep in circulation, I have ascertained from authentic sources, does not average more than \$50,000 Its issues over that amount forthwith return to the Banking house with a demand for specie or notes of the Bank of the United States. The notes of the Bank of Florida must be redeemed instant, or the Bank would lose its credit and standing. The range of circulation is too limited, and confined to allow of more than the amount stated to be kept afloat. The surplus of its issues after supplying the current circulation goes out of the territory, generally to the North to pay the debts of our citizens owing there. As the notes of our Bank will not pass to the North, specie, or notes of the Bank of the United States must be had. That such amount supplies the current circulation is proved by the fact, that but few of the notes of other Banks are in circulation here,—and that the average amount of payments into the Bank of Florida, of notes of other banks, does not exceed one twentieth of the amount paid in on its own notes. The curtailment of discounts made necessary by these circumstances, have occasioned some dissatisfaction among the citizens but when the causes are understood it will, I think, abate. The Bank has been obliged to restrict itself principally to the negotiation of bills of exchange on the North. This in some measure prevents the drawing of specie from the Bank, and is an essential convenience to those who wish to transfer their funds there, for the payment of debts or other purposes.—Any other Bank will be obliged to pursue the same course. The creation of these institutions cannot create capital where there is none

to spare, and this is the misfortune in Florida. THREE banks, it is certain cannot find a range for the circulation of their paper. One, perhaps two, must be abandoned finally. From the clashing of interest, it is easily foreseen no good will ensue to the community, and in their struggle for supremacy, they may do much evil. To one Bank embracing the interests of both those now proposed, joining all the judicious provisions in both charters, and leaving out the bad, I would much rather consent to, than to these bills.

There are many objections to the details of both of these charters. The restrictions which should be thrown around a bank in this country, are mostly enumerated in a message of governor Duval on this subject in 1829, a copy of which is now enclosed to the council (vide p. 78 of journal of council 1829.) A charter consolidating these two charters with amendments conformable to suggestion of that message would, if substituted for these two, or even for the latter be concurred in by me, with much greater satisfaction than to consent to these two incorporations.

I return the bills therefore rejected, but if the council should on reconsideration pass them, I trust some of the amendments suggested will not be omitted.

Very respectfully,

Your obedient servant,

(Signed) JAMES D. WESTCOTT, Jr.

The acts referred to, were reconsidered and committed to a committee of the whole, Mr. Hunt in the chair, who reported progress and asked and obtained leave to sit again to-morrow.

The House then adjourned until to-morrow 9 o'clock.

FEBRUARY, 8.

The house met pursuant to adjournment, and a quorum being present the minutes of yesterday were read.

Mr. LOVE introduced a bill to incorporate the Trustees of Bethel Academy in Gadsden county, which was read a 1st time.

Mr. Nuttall presented certain communications from J. H. Willis and Benjamin Chaires Esqrs. relating to the capitol contract, which were read and referred to a special committee, consisting of Messrs. Nuttall, Wright, Love, Fitzpatrick, and Sanchez.

Mr. Nuttall presented the affidavit of David Clements, which was read and thereupon he moved the reconsideration of the vote on the act for the relief of Mary Rhymes, which prevailed.

Mr. LOVE presented the memorial of sundry citizens of Gadsden county.

Mr. BYRD presented the preamble and resolutions following which were read and adopted.

“Whereas, the Legislative Council differ in opinion with the acting Governor in regard to the powers of the Executive of this territory, as claimed in his communication to this house on yesterday; and whereas this house consider that in cases of private bills founded upon evidence adduced to this house, in as much as the said evidence and the decision of the house thereon is set forth in the preamble to such bills, the Executive should regard the facts and conclusions there in stated as correct, and whereas it has not been the practice of this house heretofore to transmit such evidence with the bills to the Executive.

It is therefore Resolved, that from the reasons above stated this house respectfully decline the transmission to the acting Governor as requested in said communication, of the documents and evidence upon which certain divorce bills therein mentioned are predicated, and that

the Chief clerk furnish the acting governor with a copy of this preamble and resolution.

Mr. BOOTH from the committee on enrolled bills reported the following correctly enrolled.

An act regulating the rate of interest."

An act authorizing John Vooten to erect a toll bridge over Little river in Gadsden county." and

An act respecting the payment of postage on public letters."

Mr. BOOTH from the committee on the State of the Territory made a report by a bill which was read a first time.

Mr. FITZPATRICK from the committee on Finance made the following report:

The Finance committee to which was referred the reports of the Auditor and Treasurer of the Territory, and so much of the Governor's message as relates to the condition of the treasury, and the revision of the revenue laws, make the following

REPORT:

They have had under examination the whole of the documents submitted to them, and have been unable to come to any positive conclusion respecting the territorial finances. It appears evident to the committee that both the offices have been very badly managed since their creation and that neither skill nor ability was possessed by either of the persons who have had the management of the books, as the whole are in such a state of confusion, from the manner in which they have been kept as render it impossible to ascertain how much the territory is in debt, or has due without devoting much more time to it than the committee were allowed. At the close of the last Council the amount of territorial scrip in circulation according to the report of the Finance committee was \$5572,92 cents, differing from the report of the Treasurer for the present year \$500,56 cents less. How that officer made the mistake is unknown to the committee; by his report the amount then in circulation was \$6073,48 cents, which added to the amount issued within the last year, makes the sum of \$8310,48 cents, from which deducting \$1,764 paid into the treasury during the last year and \$429,99 cents, received by the Committee from the Tax Collector of Escambia county will leave a balance now in circulation of \$6116,49 cents. The report of the present auditor taken from the books of his predecessor shows a balance in favor of the territory of \$3470,30 cents, which if paid in would be sufficient to redeem all the territorial scrip now in circulation, and leave a balance of \$3353,81 cents, to be applied towards the payment of the territorial debts. The committee have no certain data by which they can ascertain the amount of debts due by the territory, they discover however that there remains charged against it, claims for a considerable amount, which they believe never ought to have been charged and which will never be called for. The committee respectfully invite the attention of the council to the following bills herewith introduced by them.

1st. An act to amend an act to raise a revenue for the territory of Florida.

2d. An act to provide for the speedy settlement of all arrears due the territory of Florida.

3d. An act to be entitled an act to provide for the more effectual settlement of accounts between the territory and individuals.

4th. An account showing the amount of taxes returned from the different counties, and the amount paid into the treasury by each county, and also the counties which have not made returns and which have never paid taxes.

The committee are of opinion that if the foregoing acts are passed

strictly in force (and they do not entertain a doubt but that they will be) they are confident in the belief that at the next session of the council the report of the present auditor and treasurer will shew an entirely different state of the finances, and that the territory will thereby be placed upon the best possible footing, which it ought (if justice had been done) long since to have been. The committee would direct the attention of the council to the enormous sums which have been charged against the territory as expended for criminal prosecutions. Up to the 30th of November 1831, the amount audited for the year is \$3367,39 cents which in the opinion of the committee is the result of employing unnecessary persons to guard prisoners. The committee recommend a new set of books to be opened by both the auditor and treasurer, to be kept according to Bennett's system, which is simple and easy, and best calculated for such purpose, they also recommend that the plate from which the territorial scrip has been heretofore printed be destroyed, and that in future, whenever money shall be due from the territory to an individual, the account shall be audited, and a check given on the treasurer for the amount, which shall be redeemed whenever the treasurer is in funds, and that no interest shall be claimed or paid on any such check: They recommend the adoption of the following resolution.

Resolved, That the Finance committee be instructed to call on the treasurer, and receive from him and bring into this house, the amount of territorial money now in his hands, which together with the sum now in the hands of the committee shall be by them burnt in the presence of the members of this house.

	Year 1829.			Year 1830.			Year 1831.		
COUNTIES.	Am't. of Tax return.	Am't. paid.	Am't. yet due.	Am't. tax returned.	Am't. paid.	Am't. yet due.	Am't. tax returned.	Am't. paid.	Am't. yet due.
ESCAMBIA,	No return.	"	"	847 49	716 08	131 401-2	\$785,75	429 99	355 76
WALTON,	"	"	"	45 65	45 65	"	29 35	4 00	25 25
WASHINGTON,	"	"	"	"	"	"	"	"	"
JACKSON,	"	"	"	795 82	338 45	457 37	713 65	"	713 65
GAUSDEN,	\$530 04	530 04	"	910 14	910 14	"	820 88	472 71	348 17
LEON,	958 81	958 81	"	1233 55	1233 58	"	2044 20	566 75	1477 45
JEFFERSON,	"	"	"	454 31	454 31	"	634 07	475 72	148 35
MADISON,	"	"	"	"	"	"	"	"	"
HAMILTON,	6 75	6 75	"	"	"	"	"	"	"
ALACHUA,	58 37	58 37	"	62 40	48 00	14 40	"	"	"
DUVAL,	32 78	32 78	"	459 81	459 81	"	301 66	109 70	191 96
NASSAU,	"	"	"	"	"	"	191 57	"	191 57
ST. JOHNS,	813 30	541 29	272 01	790 63	"	790 63	712 63	"	712 63
MUSQUETO,	"	"	"	126 38	126 38	126 38	"	"	"
MONROE,	"	"	"	3	4332 41	1393 81	103 43	"	103 43
	\$2400 06	2125 44	272 01	3	4332 41	1393 81	6327 11	2058 07	4268 24

Am't. of tax retr'n for 1829, - -	\$2400	06	
Am't. paid into the treasury, - -	21	28	04
Am't. yet due, - - - -			\$272 01
Am't. of tax returned for 1830, - -	5726	21	
Am't. paid into the treasury, - -	4332	40	
Am't. yet due, - - - -			1393 81
Am't. tax returned for 1831, - -	6327	12	
Am't. paid into the treasury - -	2058	07	4268 24
			5934 06

The bills were severally read a third time.
The President presented a memorial from the president and directors of the Bank of Florida, which was read and laid on the table.

Mr. NUTTALL from the select committee on divorces, reported the following bills.

A bill for the relief of Josiah Dykes and a bill for the relief of Alfred Evans, which were severally read a first time.

The engrossed bill to be entitled, "an act directing the method of proceeding against absent debtors and other absent defendants, and on attachments against absconding debtors," was read a third time and passed: ordered that the title be, "an act concerning attachments."

The President presented the following communication from the acting governor, which was read.

EXECUTIVE OFFICE, TALLAHASSEE.

February 8th 1832.

SIR—I herewith return to the council, the bill entitled, "an act to lay out and organise the county of Franklin." I entirely agree with governor Duval in the opinions advanced by him in a message to the council in 1828, extracts from which is enclosed, refusing his assent to the establishment of a new county in middle Florida, as to the impolicy of creating a number of small counties at this time before the several interests of the various sections of the country, are fully developed, or can be fully understood. A short time hence (after the citizens of this new county have incurred the expense incident to its establishment) the improvement of the country, and especially if the Chipola and St. Andrews canal is carried on, may indicate the propriety of a different division. An additional objection is that I do not regard the details of this bill as complete, and it appears to me, that the boundaries should be more distinctly and certainly defined. I therefore reject the bill.

I am respectfully,

Your most obedient servant,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the council.

The act was reconsidered and passed: Messrs Baltzell, Booth Fitzpatrick, Jones, Love, Nuttall, Pope, Priest, Robiou, Sanchez, Warren, and Wright—12 voting for, and Mr. President and Messrs Cooper, and Hunt—3 against it.

The act to incorporate a Bank in the town of Magnolia, rejected by the governor on yesterday, was reconsidered and passed: Mr. President and Messrs Cooper, Fitzpatrick, Jones, Love, Nuttall, Pope, Priest, Robiou, Sanchez, and Warren,—12 voting for: and Messrs Booth, Hunt, and Wright—3 against it.

Mr. WRIGHT from the committee on the judiciary reported back, without amendment, the bill to revise and amend the several acts of this territory, relative to justices of the peace.

The House in committee of the whole, Mr. Hunt in the chair, resumed the consideration of the act to "incorporate the central bank of Florida," who reported progress and asked and obtained leave to sit again.

The bill to provide for the summoning grand and petit jurors was read a second time, and committed to a committee of the whole, Mr. Jones in the chair, who reported the same with amendments; the report was received, and the bill ordered to be engrossed and read a third time to-morrow.

The acting governor informed the House that he had filed in the secretary's office "an act for the relief of William Hall," which had passed the House against the veto; and that he had approved, signed and filed in the secretary's office "an act amendatory of the several acts concerning the administration of estates and the duties of executors, administrators, and guardians," and

"An act to amend an act relating to crimes and misdemeanors committed by slaves, free negroes and Mulattoes.

Mr. HUNT introduced a bill to be entitled, "an act to establish a ferry across Black water river, at or near its junction with Black water Bay," which was read a first time.

Mr. WARREN introduced a bill to be entitled, "an act for the relief of Mary Canaday," which was read a first time.

Mr. NUTTALL from the select committee to whom his petition had been referred, reported a bill to be entitled, "an act for the relief of John Carruthers," which was read a first time.

Mr. President presented the following communication from the governor.

EXECUTIVE OFFICE, TALLAHASSEE, }

February 8th 1832. }

SIR—I return to the council the bill entitled, "an act to provide for the holding the next session of the legislative council of this territory in the city of St. Augustine, and for other purposes, and at such place thereafter as the legislative council may direct."

Howsoever much, I am inclined to the belief that the results of the measure proposed in this bill, would ultimately, if it could be effected at this time, be of salutary tendency upon the public interest, yet upon looking at the acts of Congress, which relate to the location of a seat of government for this territory, and the place of holding the sessions of the council, I find this

bill is entirely inconsistent with their provisions and therefore reject it.

I am sir, Your ob't. serv't.,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY, Pres't. of the council.

The act was ordered to be reconsidered to-morrow.

The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE, }

February 8th 1832. }

SIR—I return to the council the bill entitled, "an act to organise a county to be called the county of Fayette." I consider it my duty to reject said bill. I have been influenced to this course by the same general principles, that I have stated in the rejection of the bill, establishing Franklin county. The approval of the bill establishing Columbia county, was not inconsistent with these principles. The great extent of Alachua county, before the division, imposed inconveniences and burdens upon its inhabitants that rendered the bill for its division a proper case for exception.

In addition to the reasons given in my communication to the council rejecting the bill establishing Franklin county, I have to this bill the following objections:

I am not satisfied that a decided and sufficient majority of the whole people of Jackson county, desire the division of the county, upon the principles, and under the regulations this bill prescribes, but I am clearly satisfied that a highly respectable minority, at least, are decidedly opposed to it in any shape. The rights of the minority are as much entitled to the protection of the legislature as the rights of the majority. There is no tyranny so severe, as the tyranny of a small majority. The majority of citizens, certainly in favor of a measure of this kind, should therefore be considerable to induce its adoption. Personal views, private interests, and sectional feelings, and even political motives, sometimes occasion the agitation of such questions as this, more than disinterested consideration for the general welfare. To avoid the possibility of legislating upon such grounds, no law of this kind should be adopted, but with great caution.

2. I consider the 8th section especially improper. Congress in the act of the 21st January 1823, gives the authority to the territorial legislature, "to alter and arrange the (election) districts in such manner as to secure as near as may be an equality of representation in each district, and until a general law is passed on the subject, I shall be opposed to any alteration or change in the present laws regulating the election of members of the council, and especially by an act of this kind. I would prefer the two members should be elected as at present, by general ticket in the two counties, as is the case in St. Johns and Mosquito counties, and particularly as I fear the representation as fixed by this act, would be unequal.

3. I consider the boundaries of the new county, defined by the

act impolitic. The principal part of the population will be on the two extreme borders of the county.—Separated from each other, inconveniences will not only inevitably result to one portion or the other, but in consequence thereof, there will be instead of harmony and community of interest and feeling, division dissatisfaction, and discord.

I am, Sir, respectfully,

Your obedient servant,

(Signed)

Hon. A. BELLAMY,

President of the council.

The act was ordered to be reconsidered to-morrow.

The following communication was received from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,

February 8th 1832.

SIR—I have received a copy of the preamble and resolutions adopted by the council, upon the consideration of the communication made to them on yesterday, respecting the documents and evidence upon which four certain divorce bills were founded. The disagreement in opinion of the council and myself, on this subject, is regretted, but the path of duty for me to follow is distinctly and plainly marked, and I am gratified that in pursuing it, no necessity for collision can occur. I have considered the four bills above referred to, and am constrained to reject them. Those bills are entitled;

1. An act to dissolve the marriage contract between Lorine Rumel and John Rumel.
2. An act to dissolve the marriage contract between William Kerr and Epsy B. Kerr.
3. An act for the relief of William Mims.
4. An act to dissolve the marriage contract between Elizabeth A. Breadalbane and Donald M. Breadalbane.

I have also considered, and reject, two other divorce bills, Viz:—

5. An act for the relief of Enoch Dudley.
6. An act for the relief of Rebecca Pierce.

The fact that these bills are not supported by any evidence adduced to me, I still consider would be sufficient cause for rejecting them, but as I have been influenced in coming to this decision by other considerations, also, I have conceived it due to the council, after the communication of the resolution above mentioned, to advert to them.

In the first place I regard the subject of divorce as more properly referable to the *judicial* than the *legislative* department. General laws specifying the causes for which divorces may be granted, and regulating the mode of proceeding in courts, should be enacted. One of the consequences of legislative interference with divorces, is their multiplication. An improper law can be obtained from a legislature with much greater facility than an unjust judgment from a court. Every consideration of convenience,—the dignity of a legislature,—

and the proper and speedy determination of more important matters of legislation, it appears to me, should induce the refusal by a legislature to take cognizance of such subjects. We have in this territory a law by which the superior courts, are invested with the power of granting divorces, in certain cases, and upon an examination of these bills, I discover that *every case presented to me is cognizable by the courts under that act.*—Why not refer the parties to a tribunal where the decision is never made upon loose and *ex parte* evidence?—where due notice is given, and all concerned fairly heard, and where not merely the rights of the immediate parties, but of their children, are fully considered and protected. In most of the states, the rules of their legislatures, in noticing applications for divorce, have become much more rigid than formerly.

These divorces are all a *vinculo matrimonii*. Four of them are for alledged want of fidelity. The two others, the 1st and 6th are for dissention and bad treatment with the additional cause in the last, of conviction of in famous crime.

Until very recently adultery was not acknowledged as cause for a divorce a *vinculis*, and it is well established, that the causes alledged in the first and 6th bills above mentioned warrant only, a divorce a *mensa et thoro*.

Another and an insuperable objection with me to these bills is that they bastardize the children of the parties during the marriage thus dissolved. Being thus made illegitimate, they cannot inherit the property of their parents, nor their other relations, and other legal inconveniences arise, which should have been guarded against by a section specially declaring “this divorce should not bastardize the issue of the parties during their marriage.”

In cases of alledged adultery no legislature should ever interfere until after trial and conviction for the offence before a court. Omnipotent as is the power of the British Parliament, no divorce has ever been granted by it, except upon that species of evidence.

I am doubtful of the power of the council to grant divorces. It is an act of such high and uncontrollable sovereignty that the right of exercising it by a legislature, limited, subordinate, and dependent as that of Florida, may well be questioned.

Congress has repeatedly expressed their dissent to such laws, being passed by the council, by repealing them.

Every case submitted to their revision, has been *annulled* forthwith. Is it respectful to Congress to disregard their repeated decisions, and again attempt the exercise of this power in defiance of their admonition?

I am gratified that in rejecting these bills, I introduce no new rule. Since the organization of the territory, but one divorce has been granted with the approval of the executive, and that was annulled by Congress immediately. Governor Duval has not, during his ten years administration, sanctioned a single

law of this kind, and I decidedly approve of his course.

Very respectfully,

Your most obedient servant,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the council.

The act was ordered to be reconsidered to-morrow.

Mr. FITZPATRICK introduced a bill to be entitled, "an act to provide for divorces."

The House then adjourned until to-morrow 9 o'clock.

FEBRUARY 9.

The House met pursuant to adjournment, and a quorum being present the minutes of yesterday were read.

Mr. BOOTH introduced a bill to be entitled, an act to amend an act to impose a tax on hawkers and pedlars, in this territory which was read a first time.

Mr. NUTTALL from the committee on schools and colleges reported back to the House, with amendments, a bill to be entitled, an act to provide for laying out the school lands in this territory; also, a bill to repeal, an act to provide for laying out the school lands in this territory, and asked to be discharged from the further consideration of the latter,—which was agreed to.

The same gentleman from the select committee to whom the communications of Messrs Willis and Chaires had been referred, reported that the committee asked leave to be discharged from the further consideration of the same,—which was granted.

Mr. SANCHEZ from the committee on enrolled bills, reported correctly enrolled:

An act to prevent the future migration of free negroes, or mulattoes into this territory, and for other purposes.

An act to alter and amend the several acts relating to roads, highways, and bridges in this territory.

An act to repeal an act to declare spring creek, commonly known as Robinson's spring creek in Jackson county a navigable stream.

An act to alter the southern and western boundary line of Jackson county.

An act in addition to an act concerning the election of members of the legislative council.

An act relating to crimes and misdemeanors.

The acting governor informed the House that he had approved, signed and filed in the secretary's office, the following acts:

An act regulating the rate of interest.

An act to authorising John Wooten to erect a toll-bridge over little river in Gadsden county.

An act authorising George Fisher Sen., to build a mill-dam and lock across the Ocklocknee river and for other purposes.

An act to repeal the act to prevent duelling.

And that he had received and filed in the secretary's office the following bills, passed against the veto.

An act to lay out and organize the county of Franklin; and
An act to incorporate a Bank in the town of Magnolia.
The resolution prohibiting the introduction of any new bill, was, on motion rescinded; thereupon.

Mr. WRIGHT gave notice that on to-morrow he would ask leave to introduce a bill regulating the jurisdiction of the county courts, and justices of the peace, and for other purposes.

Mr. NUTTALL introduced the following bills:—

A bill to be entitled, an act to render certain debts, incurred during the last sickness of a deceased person privileged debts, and a bill to be entitled, an act to establish medical boards in the territory of Florida.

Mr. LOVE introduced a bill to be entitled, an act to compensate persons killing wolves, in this territory,—these bills were severally read a first time.

Mr. PRIEST presented a communication from J. H. Willis Esqr. which was read and laid on the table.

The act to organise a county to be called the county of Fayette, rejected on yesterday by the acting governor, was reconsidered and amended,—and read a 3d time and passed.

The following acts rejected on yesterday by the acting governor were reconsidered and passed, by the requisite majority.

An act for the relief of Rebecca Pierce.

An act for the relief of Enoch Dudley.

An act for the relief of William Mims.

An act to dissolve the marriage contract between Elizabeth A. Breadelbane and Donald M. Breadelbane.

An act to dissolve the marriage contract between Wm. Kerr and Epsy B. Kerr.

An act to dissolve the marriage contract between Lorine Rumell and John Rumell, Messrs Baltzell, Booth, Cooper, Hunt, Jones, Love, Nuttall, Pope, Priest, Robiou, and Warren—11 voting for; and Mr. President, and Messrs Fitzpatrick, Sanchez, and Wright—4 against them.

The act to provide for holding the next session of the legislative council of this territory in the city of St. Augustine, and for other purposes, and at such place thereafter as the legislative council may direct,—rejected on yesterday by the acting governor, was reconsidered and lost; Messrs Booth, Cooper, Fitzpatrick, Jones, Pope, Priest, Robiou, Sanchez, and Warren—9 voting for, and Mr. President and Messrs Baltzell, Hunt, Love, Nuttall, and Wright—6 against it.

The House in a committee of the whole, Mr. Hunt in the chair, resumed the consideration of the act to incorporate the Central Bank of Florida, and reported the same with amendments: the report was received and the bill read a third time and passed: Mr. President and Messrs Baltzell, Booth, Cooper, Fitzpatrick, Hunt, Nuttall, Pope, Priest, Robiou, Sanchez, and Warren,—12 voting for: and Messrs Jones, Love, and Wright—3 against it.

The engrossed bill to be entitled, an act to provide for the mode of summoning grand and petit jurors, was read a 3d time

and passed : ordered that the title be, an act to prescribe &c.,

The bill to be entitled, an act to fix the time of holding the superior courts in the western district of this territory was read a 3d time and passed : ordered that the title be as aforesaid.

The bill to be entitled, an act to authorise a lottery in the county of Franklin, was read a 2d time : a motion then was made to strike out the enacting clause, which prevailed and the bill lost ; Mr. President and Messrs Cooper, Fitzpatrick, Hunt, Priest, Sanchez, Warren, and Wright—8 voting for ; and Messrs Baltzell, Booth, Jones, Love, Nuttall, Pope, and Robiou—7 against it.

The bill to be entitled, an act to amend the several acts incorporating the Bank of west Florida, was read a 2d time and committed to a committee of the whole, Mr. Robiou in the chair who reported the same with amendments, the report was received, the bill was read a 3d time and passed ; the bill was amended by adding "and for other purposes."

The bill to be entitled, an act to provide for taking the census of the territory of Florida, with a view to the more equal apportionment of its representation, was read a 2d time and lost, a motion to strike out the 1st section and enacting clause, prevailing ; Mr. President, and Messrs Baltzell, Cooper, Fitzpatrick, Love, Nuttall, Pope, Priest, Robiou, Sanchez, and Warren—11 voting for ; and Messrs Jones, Hunt, and Wright—3 against it.

The bill to be entitled, an act to provide for the division of estates, was read a 2d and 3d time and passed ; Mr. President, and Messrs Baltzell, Cooper, Hunt, Love, Nuttall, Pope, Priest, Sanchez, Warren, and Wright—11 voting for ; and Messrs Fitzpatrick, and Robiou—2 against it.

The resolution heretofore offered by Mr. Priest providing for an additional member to the counties of Alachua and Columbia, was read and adopted.

Mr. SANCHEZ from the committee on enrolled bills, reported correctly enrolled, an act to organise a county to be called the county of Fayette.

The bill to be entitled, an act to prevent nuisances on the shores of Fisheries, was read a 2d time and lost : the enacting clause having been ordered, on motion to be stricken out.

The bill to be entitled, an act concerning executions, was read a 2d time and committed to a committee of the whole, Mr. Jones in the chair, who reported the same with amendments ; the report was received ; the bill read a 3d time and passed : ordered that the title be as aforesaid.

The acting governor communicated to the House that he had approved, signed, and filed in the secretary's office the following acts :—

An act to incorporate the town of Ocheese.

An act respecting the payment of postage on public letters.

An act to establish a ferry across the Appalachicola river, at Ocheese.

And that he had filed the following acts, passed against the veto, in the secretary's office.

An act to dissolve the marriage contract between John Rumell and Lorine Rumell.

An act to dissolve the marriage contract between Wm. Kerr and Epsy B. Kerr.

An act for the relief of William Mims.

An act to dissolve the marriage contract between Elizabeth A. Breadalbane and Donald M. Breadalbane.

An act for the relief of Rebecca Pierce ; and

An act for the relief of Enoch Dudley.

Mr. NUTTALL presented a letter from Betsy Floyd and Ben Chaires executrix and executor of Davis Floyd, which was read : ordered that the same be referred to Messrs Nuttall, Booth, Baltzell, Sanchez, and Wright.

The bill to be entitled, an act to revise and amend the several acts of this territory relative to justices of the peace, was read a 2d time and committed to a committee of the whole ; Mr. Robiou in the chair, who reported a substitute for the same : the report was agreed to, and the substitute, ordered to be engrossed, and read a 3d time to-morrow.

The bill to be entitled, an act to establish a ferry across St. Johns' river, was read a 2d and 3d time and passed : ordered that the title be as aforesaid.

The bill to provide for the election of a county seat in Jackson county, was read a 2d and 3d time and passed ; ordered that the title of the bill be as aforesaid.

The bill to amend, an act to regulate proceedings in chancery was read a 2d and 3d time and passed : ordered that the title be as aforesaid.

The bill to amend, an act to provide for the compilation and publication of all the statutes in this territory, was read a 2d and 3d time and passed : ordered that the title be as aforesaid.

The bill to be entitled, an act in addition to the act for the relief of the heirs of William Argyle, was read a 2d and 3d time and passed : ordered that the title be as aforesaid.

The bill to divorce John Darby from his wife Teresa, was read a 2d and 3d time and passed : ordered that the title be as aforesaid.

The bill to be entitled, an act regulating the mode of voting in this territory, was read a 2d and 3d time and lost : Mr. President and Messrs Cooper, Fitzpatrick, Jones, Nuttall, Priest, and Warren—7 voting for : and Messrs Baltzell, Booth, Hunt, Love, Pope, Robiou, Sanchez, and Wright—8 against it.

The bill concerning the public archives, was read a 2d and 3d time and passed : ordered that the title be as aforesaid.

The bill to be entitled, an act for the relief of John Carruthers was read a 2d and 3d time and passed : Mr. President, and Messrs Baltzell, Booth, Love, Nuttall, Pope, Priest, Robiou, and Sanchez—9 voting for ; and Messrs Cooper, Fitzpatrick, Hunt, Jones, Warren, and Wright—6 against it.

The bill for the relief of Mary Cannaday, was read a 2d and

3d time and passed : ordered that the title be as aforesaid.

Mr. BOOTH offered the resolution following, which was read and adopted.

Resolved, That the printer employed to publish the laws of this session of the council, be directed to place all the divorce and local laws at the end of the pamphlet—under the title—“private acts.”

The bill to establish a ferry across Blackwater river, was read a 2d and 3d time and passed : ordered that the title of the bill be as aforesaid.

The bill to incorporate the trustees of Bethel Academy, was read a 2d and 3d time and passed : ordered that the title be as aforesaid.

The bill for the relief of Alfred Evans, was read a 2d and 3d time and passed : ordered that the title be as aforesaid.

The bill to be entitled, an act for the relief Josiah Dykes, was read a 2d and 3d time and passed ; Messrs Booth, Hunt, Jones, Love, Nuttall, Pope, Priest, and Warren—8 voting for : and Mr. President, and Messrs Cooper, Fitzpatrick, Robiou, Sanchez, and Wright—6 against it.

The bill to provide for the speedy settlement of all arrears due the territory, and a bill to amend, an act to raise a revenue for the territory of Florida : were severally read a 2d time and ordered to be committed to a committee of the whole, to-morrow.

The acting governor made the following communication to the House.

EXECUTIVE OFFICE, TALLAHASSEE, }
February 9th 1832. }

SIR—I have approved, signed, and filed in the secretary's office, the amended act entitled, “an act to organise a county to be called Fayette,” the principal objection against the original bill being removed by the amendments. Altho' I still entertain other objections to this law, I am not so entirely confident of their correctness, or so tenacious of my opinions, as to reject the bill a second time ; and I am the more disposed to yield them, as the representatives in the council of those affected, are so decidedly in favor of the law, and are so certain of its provisions being conformable to the wishes of the people.

I am, RESPECTFULLY,

Your most obedient servant,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the council.

Mr. BOOTH from the committee on the judiciary, reported a memorial, addressed to Congress, for the formation of a new judicial district, to be composed of the counties of Jackson, Fayette, Franklin, and Gadsden, which was read and laid on the table until to-morrow.

Mr. FITZPATRICK introduced a bill to be entitled, an act respecting the public property at St. Marks, which was read a first time.

The bill regulating divorcees, was read a 2 and 3d time and passed ; Messrs Fitzpatrick, Jones, and Warren—3 voting for ; and Mr. President, and Messrs Baltzell, Booth, Cooper, Hunt, Nuttall, Pope, Priest, Robiou, Sanchez, and Wright—11 against it.

The bill to provide for the more effectual settlement of acc'ts. between the territory and individuals, was read a 2d and 3d time and passed ; Mr. President, and Messrs Booth, Cooper, Fitzpatrick, Jones, Nuttall, Priest, Robiou, Sanchez, and Warren—9 voting for ; and Messrs Hunt, and Wright—2 against it.

The following nominations were made by the acting governor : & agreed to by the House, Viz :—

Thomas W. Raiford, justice of the peace, and Daniel T. Lingo, auctioneer, Jefferson county.

The House then adjourned until to-morrow 10 o'clock.

FEBRUARY 10.

The House met pursuant to adjournment, and a quorum being present the minutes of yesterday were read.

Mr. BALTZELL offered the memorial, preamble and resolutions following, which were read and adopted.

To the Senate and House of Representatives of the United States of America.

The memorial of the legislative council respectfully sheweth :—

That at their present session in pursuance of an act of Congress, they have incorporated a company to connect the waters of the Appalachian and Chipola rivers with the Bay of St Andrews. The importance of this subject to the people of his territory, and to the south generally, will be estimated by reference to the character of the great streams thus proposed to be united.

The Appalachian is one of the largest and finest streams of the south having as its tributaries the rivers Flint and Chattahoochee, both considerable, and extending to a great distance northwardly, and having on their banks even now a respectable and thriving population. To afford a suitable outlet to the produce raised on these rivers, and to supply the defects in the navigation of the Bay of Appalachian, is the object of the proposed canal.

The complete adaptation of the Bay of St Andrews, to these purposes is acknowledged by all who have seen it, & will appear more evident from a letter addressed to a member of the council, which from the character of its author, and his own ability in the service, is entitled to great credit. We think we are not mistaken in saying that it presents a better account of that Bay, than has ever been submitted to the public.

The practicability of the canal for a small sum, in comparison with the magnitude and importance of the work, will appear by the report of the same gentleman, based upon actual survey, which likewise accompanies this memorial.

We hope that it requires no argument to prove that the United States are, also, deeply interested in the success of this measure. They have already expressed that interest, by the attention paid to applications made for permission to cut it, and by their directions, in their first act of legislation on the subject, that it should be constructed so as to form a link in the grand chain of communication contemplated along the Gulf of Mexico. By a provision that the officers and others engaged on business of the United States, should be exempt from toll, which was obviously intended with a view to the transportation of troops and

munitions of war, in the canal, and which is strictly secured in the charter of this session, they have further expressed their wishes as to its success.

There is, however, no difference of opinion as to the practicability of this canal, its usefulness, or the necessity of its construction.

Whilst its importance is felt and acknowledged on all hands, and has created a warmth and zealous feeling, in its behalf, it is found that individual exertion will be unequal to the task, unless aided by the munificence of the general government.

We trust we do not mistake in appealing to the generous course that has ever been pursued by government in advancing works of this kind — we trust that our appeal on a subject of such engrossing and vital interest to our country, will not be ineffectual.

Resolved therefore That our delegate in Congress be, and he is hereby requested to use his exertions to procure from Congress a grant of land, in aid of the Chipola and St. Andrews Canal Company.

Be it further resolved, That our said delegate be requested to use his further exertions to procure a subscription of stock from Congress to said Company.

Be it further resolved, That a copy of this memorial and resolutions and of the charter of the company be forwarded by the governor to the delegate.

Mr. SANCHEZ offered the preamble and resolutions following which were read and adopted.

WHEREAS the act of Congress entitled, "An act to amend the several acts for the establishment of a territorial government in Florida" approved the fifteenth day of May 1826, makes it obligatory upon the legislative council, to hold their sessions at the seat of government in this territory

And whereas, The said council might be prevented by unforeseen, and unavoidable causes from assembling as directed in the act referred to in the preamble of this resolution.

Be it therefore resolved, That our delegate in Congress, be requested to use his exertions to have the act above referred to, so amended as to give to the legislative council, the power of holding their sessions at such other place or places, as the governor and legislative council may from time to time direct.

Be it further resolved, That a copy of the above preamble and resolution be forwarded to our delegate in Congress.

Mr. WRIGHT offered the resolutions following, which were read and adopted.

Resolved, That the President of the United States, be, and he is hereby respectfully requested to cause to be surveyed a route for a steam boat canal, to connect the waters of the bays of Pensacola and Mobile.

Resolved, That the delegate in Congress be requested to endeavor to forward the objects of the foregoing resolution.

Mr. HUNT offered the following resolution, which was laid on the table.

Resolved by the governor and legislative council. That the commissioner of Tallahassee, under the authority and direction of the board of directors, be, and he is hereby required to have the capitol painted, and the rooms lathed and plastered, in a good and workman like manner, and that the sum of seven hundred and fifty dollars or such part of it, as is necessary be applied to that purpose, out of the funds for building the capitol.

Mr. SANCHEZ offered the preamble and resolutions following, which were read and laid on the table.

Whereas the excessive degree of legislation in this territory, and especially the frequent changes of the laws, are subjects of serious com-

plaint with the people: And whereas, sufficient time does not elapse, between the annual sessions of the legislative council, to enable the people generally to become acquainted with the laws.

Be it therefore resolved, That our delegate in Congress be requested to use his endeavors to have the Organic laws so altered that the future meetings of the legislative council may be bi-ennial.

Resolved further, That a copy of the foregoing preamble and resolution be forwarded to our delegate in Congress.

Mr. LOVE offered the resolution following, which was read and rejected.

Resolved, That the legislative council, adjourn sine die on Saturday the 11th inst.

Mr. BOOTH made the following report:

The committee on the state of the territory to whom was referred the petition of sundry citizens of Duval county, praying to be reattached to the county of St. Johns;

REPORT

That they have had the same under consideration, and are of opinion that it would be inexpedient to make any alteration in the boundaries of said counties they therefore beg to be discharged from the further consideration of the subject, which was agreed to.

Mr. BYRD from the committee on enrolled bills, reported as correctly enrolled,

An act to incorporate the Leon Rail Road Company.

An act to incorporate the town of Jacksonville.

An act to incorporate a company to be called the St. Andrews and Chipola canal company.

An act regulating the mode of suing out writs of error and prosecuting appeals in the court of appeals of the territory of Florida.

An act to incorporate the Central Bank of Florida.

An act to amend an act to regulate proceedings in chancery.

An act in addition to the act for the relief of the heirs of William Argyle.

An act to provide for the division of estates.

An act to amend the several acts incorporating the Bank of West Florida, and for other purposes.

An act for the relief of Isaiah Dykes.

An act to amend an act to provide for the compilation and publication of all the statutes in this territory.

An act concerning the public archives.

An act to divorce John Darby from his wife Teresa.

An act to provide for the selection of a county seat in Jackson county.

An act regulating the fees of certain officers.

An act to provide for the more effectual settlement of accounts between the territory and individuals.

An act for the relief of Mary Cannady.

An act for the relief of John Carruthers.

An act for the relief of Alfred Evans.

An act to incorporate the trustees of Bethel Academy.

An act to fix the time of holding the superior courts in the western district of Florida; and

An act to authorize James Riz to establish a ferry across St. Johns' river, at a place called Picolata.

The bill to alter the time of holding the superior court of Jackson county, was indefinitely postponed.

The bill to provide for laying out the school lands in this territory, was read a 2d time and committed to a committee of the whole, Mr. Booth in the chair, who reported the same with amendments, the re-

port was received, the bill read a 3d time and passed: ordered that the title be as aforesaid.

The bill to amend an act to raise a revenue for the territory of Florida, was read a 2d time and committed to a committee of the whole. Mr. Jones in the chair, who reported the same with amendments, the report was received, and the bill read a 3d time and passed: Mr. President, and Messrs Baltzell, Booth, Byrd, Cooper, Fitzpatrick, Jones, Love, Nuttall, Priest, Robiou, Sanchez, and Warren—13 voting for; and Messrs Hunt, Pope, and Wright—3 against it.

The resolution offered by the committee on finance, on the 8th inst. was read and adopted.

In pursuance of which, the chairman of that committee, burnt in presence of the House, territorial scrip, to the amount of \$2183.

The engrossed bill to be entitled, an act concerning proceedings before justices of the peace, and regulating appeals and writs of CERTIORARI, was read a 3d time and passed: Mr. President, and Messrs Baltzell, Cooper, Hunt, Love, Nuttall, Pope, Priest, and Sanchez—9 voting for; and Messrs Byrd, Fitzpatrick, Robiou, Warren, and Wright—5 against it.

The bill to provide for the speedy settlement of all arrears due the territory of Florida, was read a 2d time and committed to a committee of the whole. Mr. Warren in chair, who reported the same with amendments, the report was received, the bill read a 3d time and passed: Mr. President, and Messrs Byrd, Cooper, Fitzpatrick, Love, Nuttall, Pope, Priest, Robiou, Sanchez, and Warren—11 voting for; Messrs Baltzell, and Hunt—2 against it: ordered that the title be as aforesaid.

The bill to render certain debts incurred during the last sickness of deceased persons privileged debts, was read a 2d and 3d time and passed: ordered that the title be, an act to amend an act concerning wills, letters, testamentary, and the duty of executors, administrators, and guardians.

The bill to amend, an act to impose a tax on hawkers and pedlars, was read a 2d and 3d time and passed: ordered that the title be as aforesaid.

The bill to establish medical boards in the territory of Florida, was read a 2d time and lost, a motion to strike out the 1st section with the enacting clause prevailing.

The bill to compensate persons killing wolves, was read a 2d and 3d time and passed: Messrs Baltzell, Hunt, Love, Nuttall, Pope, Priest, and Wright—7 voting for; and Mr. President, and Messrs Byrd, Cooper, Fitzpatrick, Robiou, and Sanchez—6 against it.

The bill respecting the public property, at St. Marks, was read a 2d and 3d time and passed: ordered that the title be as aforesaid.

The House then adjourned until to-morrow 10 o'clock.

FEBRUARY 11

The House met pursuant to adjournment, and a quorum being present, the minutes of yesterday were read.

Mr. WARRREN presented the petition of Sarah Stafford, praying to be divorced from her husband James Stafford, which was read: Thereupon he introduced a bill for the relief of Sarah Stafford, which was read 1st, 2d and 3d time and passed: ordered that the title be as aforesaid.

The preamble and resolutions offered by Mr. Sanchez, on yesterday were read and amended by adding to the first resolution these words, "and continue for two months" as amended, they were adopted. Mr. President and Messrs Cooper, Fitzpatrick, Hunt, Nuttall, Priest, Robiou, Sanchez, Warren, and Wright—10 voting for, and Messrs Baltzell, Booth, Byrd, Love, and Pope—5 against it.

Mr. HUNT by leave of the House, withdrew the resolution offered by him on yesterday.

The resolution following, was offered by Mr. Byrd:

Resolved, That the treasurer be, and he is hereby authorised, and regulations, restrictions, and provisions, under which it has been heretofore issued by the laws of the territory. Mr. Wright moved to add these words, "but such scrip shall not bear interest," which was lost: Messrs Byrd, Hunt, Nuttall, and Wright—4 voting for; and Mr. Priest, Robiou, Sanchez, and Warren—11 against it.

The question was then taken on the adoption of the resolution, and decided in the negative; Messrs Byrd, Hunt, and Nuttall—3 voting for; and Mr. President, and Messrs Baltzell, Booth, Fitzpatrick, Cooper, Love, Pope, Priest, Robiou, Sanchez, Warren, and Wright—12 against it.

Mr. BYRD introduced a bill providing for the repairing and finishing the capitol and improving the square, which was read a 1st and 2d time. Mr. Baltzell moved to strike out the sum of \$1200, in the appropriation, and insert \$500, which was lost: Messrs Baltzell, Cooper, Love, Pope, Warren, and Wright—6 voting for; and Mr. President and Messrs Booth, Byrd, Fitzpatrick, Hunt, Nuttall, Priest, Robiou, and Sanchez—9 against it.

The bill was read a 3d time and passed: Mr. President, and Messrs Booth, Byrd, Fitzpatrick, Hunt, Nuttall, Priest, Robiou, Sanchez, and Wright—10 voting for; and Messrs Baltzell, Cooper, Love, Pope, and Warren—5 against it.

The bill for the relief of Mary Rhynes, was read a 2d and 3d time and passed: ordered that the title be as aforesaid.

Mr. NUTTALL introduced a bill to be entitled, an act to amend an act to incorporate a Bank in the town of Magnolia, which was read a 1st, 2d, and 3d time and passed: ordered that the title be as aforesaid.

Mr. FITZPATRICK introduced a bill for the speedy settlement of the Tallahassee fund, which was read 1st, 2d, and 3d time and passed: ordered that the title be as aforesaid.

The following report, in the form of a memorial to Congress, for the establishment of a new judicial district, heretofore made from the committee on the judiciary by Mr. BOOTH, was adopted: Mr. President, Messrs Baltzell, and Booth, Cooper, Hunt, Pope, Robiou, Sanchez, Warren, and Wright—10 voting for; Messrs Byrd, Fitzpatrick, Love, Nuttall, and Priest—5 against it.

To the Senate and House of Representatives of the United States in Congress Assembled.

The memorial of the legislative council of the territory of Florida respectfully sheweth;

That the exigencies of a large portion of the people of this territory, being those who reside in the counties of Jackson, Franklin, Fayette, and Gadsden, call for the establishment by Congress of an additional judicial district, to be composed of those counties, and for the appointment of another judge, attorney and marshal, to reside within the limits of said district. The three counties first mentioned are now within the limits of the western district of Florida. Two of them, Franklin, and Fayette, are newly created, the former from parts of the counties of Washington and Gadsden, and the latter from Jackson. Such is the quantity of legal business accumulated in the courts of the western district, that it is impossible for the judge of that district to perform all the duties required of him, and hold the courts required by

the legislative council. Indeed from the local situation of Appalachicola Bay, the difficulty of access to it, and the nature of the business to be determined there, a judge could not do justice to the business of that place, and hold more than one or two courts in addition elsewhere.

Taking off these three counties from his district would leave the counties of Escambia, Walton, and Washington, as his district, the duties of which would be less onerous and could be fulfilled faithfully.

The county of Gadsden is at this time, a portion of the middle district of Florida. There are now depending in the superior court of that county many criminal, civil, and common law proceedings, undetermined, and with the most unwearied assiduity, the judge of the middle district is unable to determine all the cases before him, in the four courts in his district, in one of which, (Leon County) the Docket is generally the largest in the territory.

A large portion of the country comprising the county of Gadsden, is covered by the claim of Forbes & co., and as that claim has been depending in suit, the land has not yet been offered for sale, or even been surveyed by the United States, and consequently that rapid settlement of the country which the quality of the land, and its peculiar advantages would have ensured, if it had been heretofore in the market, has not taken place.

The same facts exist in relation to a large portion of Washington and Franklin counties, covered by the claim of Innerarity. The claim of Forbes & co. and of Innerarity have both been determined by the courts of this territory to be invalid, and whether (as is believed) this decision will be confirmed by the Supreme Court of the United States, or not, the lands in all three of the last mentioned counties, must soon be forced by the claimors, of the settlers upon it, into market.

The extensive and increasing cultivation of the lands in the upper country near the rivers Appalachicola, Flint, and Chattahoochee, in the states of Georgia and Alabama, and in this territory, justifies the assertion that in a few years a town must grow up at the mouth of the former river, second in size and importance, to none in the southwestern country except New-Orleans.

Situated as the country is, at this time, with all the obstacles to settlement, arising from its hitherto unsettled and uncertain title, and the almost total want of organization—the insecurity of property, and personal rights, owing to the difficulty of resorts to courts of justice, yet nearly one hundred and fifty houses and stores have been erected, and it is estimated there are now deposited in store, cotton and other products, the growth of the upper country, to the amount of two hundred and fifty thousand dollars.

Many vessels are employed in carrying cotton and other products from that port, during the year, in fact, it is believed, more than any other port in Florida. Cases have arisen, proper subjects for suits in Admiralty, but owing to the difficulty of procuring process, the rights of those interested have been abandoned. The necessity of an Admiralty or maritime court, to which parties can resort without being compelled, (if access is sought to the judge of the western district) to travel three hundred and fifty miles, or if to the judge of the middle district, nearly two hundred miles, for process, must be manifest, we think to your honorable bodies.

Your memorialists are aware, that the expenses of establishing an additional court is an objection entitled to great weight,—but they trust that Congress, with a spirit of liberality will regard the interests of the community now suffering for want thereof, as of paramount consequence: And they do not, also, hesitate to say, that they believe the interests of the general government, in advancing the price of the public domain by removing obstacles to settlement, will be promoted

to a greater amount, than the expense of establishing and supporting the court.

And your memorialists as in duty bound will ever pray.

The bill for the protection of the fisheries on the coast of Florida, was committed to a committee of the whole Mr. Love in the chair, who reported the same with amendments, the report was received. the bill read a 3d time and passed; ordered that the title be, "An act to protect the fisheries on the coast of Florida, and to raise a revenue therefrom."

The following report and accompanying resolutions heretofore made by Mr. Booth from the committee on the state of the territory, in reference to the fisheries on the coast of Florida, were read and adopted.

The committee on the state of the territory, to whom was referred so much of the acting governors' message, as relates to the fisheries on the coast of Florida, respectfully

REPORT:

That they accord with the acting governor in the opinions advanced in his message, as to the importance, and value of these fisheries to the people of Florida; their susceptibility of being made a source of considerable revenue to our treasury and of their being a proper subject for legislative regulation; with such view.

The committee do not consider it necessary to make any prolix descantation on the various interesting and important questions of international and constitutional law, and of natural right which grow out of this subject. The correspondence between the state department and the governor of this territory, which has been referred to the council, is full and satisfactory on most of these questions, and the committee would respectfully suggest the expediency of its publication, that a full understanding of the subject may be had, as well by our fellow citizens of the states, as also by the people of Florida. The committee have however, thought proper to answer two or three objections to the measures they propose in relation to this subject, which have not been fully noticed in that correspondence.

It has been urged that the laws of nations would not justify the appropriation of these fisheries to ourselves *exclusively*.—The committee would remark, that the British government have *admitted* our right to do so, by asking for the use of these fisheries *as a favor*. But we do not desire to avail ourselves of any advantage that may be derived from such concession; nor do we fear a reference to the laws of nations.

Vattel, among other things on this subject, says:—"The various uses of the sea near its coast, render it very susceptible of property. People there fish and drawn from thence shells, pearls, amber &c. The nation to whom the coasts belong, may appropriate to itself an advantage which it is considered as having taken possession of, and made a profit of it, in the same manner as it may possess the domain of the land it inhabits. If a nation has fishing on its coast, that is particularly advantageous, and of which it may become master, shall it not be permitted to appropriate this natural advantage to itself as a dependence on the country it possesses;

"and if there are a sufficient number of fish to furnish the neighbouring nations, of reserving to itself the great advantage it may receive from them by commerce?"

"A nation may appropriate things where the free and common use of them would be prejudicial or dangerous. This is a second reason why powers extend their dominion over the sea, along the coast as far as they are able to protect their right."

"The banks of the sea belong incontestibly to the nations that possess the country of which it is a part, and these are the number of public things."

"All we have said of the parts of the sea, near the coast, may be said more particularly, and with much greater reason of the roads, bays, and straits, as still more capable of being occupied, and of greater importance to the safety of the country."

Marten, also, in his treatise on the laws of nations, on this subject, says:—"The sea surrounding the coast, as well as those parts of it, which are land locked, such as the roads, little bays, gulphs &c., as those which are situated within cannon shot of the shore, (that is within the distance of three leagues) are so entirely the property, and subject to the dominion of the master of the coast, that he has the exclusive right to all the produce of it, whether ordinary or accidental, as far as relates to things unclaimed by any other lawful proprietor."

The waters and fisheries over which we seek to extend our laws are peculiarly embraced in the description given by these authors, as being properly appurtenant to the adjacent shores and subject to the exclusive enjoyment and entire control of its sovereign. The committee reiterate the statement made by the governor in the correspondence above alluded to, that these fisheries are wholly local in their character. In this respect they are different from the mackerel, cod, & whale fisheries of the north. Our fisheries are not in the open sea, but near to, and under the coast, in shoal soundings, and within the straits, bays, sounds, and amongst the islands of the southern part of Florida, and many of those engaged in these fisheries, dry the fish caught, on the shores of Florida.

The exclusive right of piscary in the inhabitants of the adjacent coast, is a natural right, founded on the natural appurtenance of the fisheries to that coast, and the necessity of its existence, for the safety and welfare of the nation. The use of local fisheries by foreigners, to use the words of Vattel, "might be prejudicial and dangerous." Contagious diseases might be thus introduced, the country would be more exposed to an enemy approaching by sea; and facilities for exciting domestic disturbances, by such enemy, would be afforded. Some writers have formerly contended that the right could not appertain, if the fisheries were inexhaustible, and that a necessity must exist for this exclusive appropriation. This doctrine is, however, long since exploded, and the right recognized, as founded upon the broad and arbitrary principle, that every nation has a right to such exclusive appropriation, for the extension of her commerce, and even for convenience merely.

But it has been contended, that (admitting the premises as to the laws of nations, which the committee contend for) the territorial legislature is not the "sovereign" to whom the power of regulating these fisheries belongs.

The committee, however, are of opinion, that this position is untenable. Congress in the organization of our territorial government, expressly delegated the legislative power over all "rightful subjects of legislation" in this territory, to the governor and council. The right of revision is only reserved to Congress by the Organic laws, and with regard to our local and municipal regulations, especially, should the exercise of the powers of Congress be confined to this reservation. In the plenitude and omnipotence of the power of the general government over her territories, unrestrained by any constitutional provision, Congress can without doubt, repeal these laws, and even establish a military government in Florida; but would such an act be consonant to justice, or right or propriety. Equally unjust and improper would it be, for Congress to interfere directly with these fisheries, a subject most emphatically of mere local and municipal legislation. But if Congress chose to exercise such power in defiance of reason and propriety, it could only be done for the exclusive benefit of the inhabitants of Florida. The power of legislation over these fisheries cannot attach to Congress in its character of a national legislature, but arises solely from the right of temporary control over us in our present situation. The property in these fisheries, it is considered by the committee, is exclusively in the people of Florida. The possession of such property nor its regulation by the national government, is not recognized by the constitution. The right of piscary is in no wise connected with the right of navigation. The regulation of the latter right, belongs (it is admitted) exclusively to Congress, and it does not conflict with the regulation of the former, as claimed for the local legislature.

If Florida were a state, her right to regulate these fisheries, would be indisputable, and the committee believe, that the rights and privileges of the people of Florida in this regard, are in no way different from those enjoyed by the citizens of the states. By the treaty with Spain, by which the Floridas were ceded to the United States, the citizens of this ceded territory are admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

Entertaining these views, and believing that properly regulated, those fisheries, may be made a source of considerable revenue to the territory, the committee beg leave to offer a bill to be entitled, "An act for the protection of the fisheries on the coast of Florida, and to raise a revenue therefrom to this territory."

The committee have experienced no little difficulty with regard to the details of this bill. The subject is one difficult to legislate upon, and they are not satisfied that the provisions of the bill presented will fulfil the purposes intended. The law contains no restrictions upon our own citizens, but is only intended to prevent the encroachments of foreigners. The law

will not be enforced until it has been sanctioned by Congress. It is suggested by the committee that the aid of the general government is necessary to the enforcement of this act. If the United States would employ a small vessel on this service, for a year or two, all the necessary aid would be afforded, but if not disposed to do this, instructions to their various officers of the customs, to render all the aid in their power, would be beneficial. The necessity and propriety of rendering us this aid, is more obvious from the fact that, the persons engaged in these fisheries, trade with the Indians on our coast and employ them as fishermen and seamen.

The committee therefore beg leave to recommend the adoption of the following resolutions.

JOHN P. BOOTH, *Chairman.*

Resolved by the governor and legislative council of the territory of Florida, That our delegate in Congress, be requested to endeavour to procure the express sanction of Congress at its present session, to an act of this council, entitled, "an act for the protection of the fisheries on the coasts of Florida, and to raise a revenue therefrom," and that he endeavour to obtain the aid of the general government, for the enforcement of the same.

Resolved further, That a copy of so much of the acting governor's message as relates to this subject, with the documents accompanying the same, and of the law referred to, together with a copy of this report and these resolutions be forwarded to the delegate forthwith.

Mr. BYRD from the committee to whom the same had been referred introduced a bill for the relief of William Hilliard and others, which was read a first time.

Mr. LOVE from the committee on claims to whom was referred the petition of John Laudaman, having had the same under consideration, beg leave to report that they believe his account of \$25 to be just, and ought to be paid, therefore recommend the adoption of the following resolution.

Be it resolved by the governor and legislative council of the territory of Florida, That the sum of twenty-five dollars be allowed to John Laudaman as per account for repairing furniture of the council chamber, and that the commissioner of Tallahassee is hereby authorised, and required to pay the same out of the Tallahassee fund.

Mr. BOOTH made the following report:—

The committee on the state of the territory to whom was referred the resolution of this House, directing an enquiry into the necessity of stationing United States troops, at or near the Seminole Agency in this territory—beg leave to report—

That they have had the same under consideration, and have endeavoured to procure all the information necessary to a correct understanding of the subject. The committee are satisfied from information, received from various sources, that the exposed situation of the inhabitants of the Seminole frontier, is such as to justify and calls loudly for the aid which it is proposed to solicit, they therefore beg leave to offer the following resolution and recommend its adoption.

Whereas, representations have been made to this House, that the exposed situation of the inhabitants resident on and near the frontiers of the district of country occupied by the Seminole nation of Indians, calls loudly for the presence of an armed force, at some station convenient for the protection in case of danger, from the Indians or the

great numbers of negroes (slaves and free) collected within their limits, a measure considered necessary to the security and prosperity of one of the most valuable portions of our territory: And whereas the two companies of United States troops stationed at Tampa Bay are one hundred and twenty, or thirty miles from the northern boundary of the Indian reserve, and the communication with them from other parts of the territory, is entirely through the Indian territory;

Be it therefore resolved by the governor and legislative council of the territory of Florida, That the honorable Secretary of War of the United States, be and he is hereby requested to order a company of United States troops, to be stationed at the military post known formerly, when garrisoned, as Camp King, or at some other point near the Seminole Agency.

Mr. NUTTALL from the select committee to whom had been referred the communication from the personal representatives of the late Davis Floyd, reported that they had, had the same under consideration and beg to be discharged from the further consideration of the same, which was agreed to.

Mr. BYRD made the following report:—

The committee to whom was referred the communication from the President and directors of the Bank of Florida, soliciting a strict examination into the affairs of the institution,

REPORT

That they deem it unnecessary to make any further examination, having already examined fully into the state and standing of the Bank to their satisfaction, and as they believe, have reported to the satisfaction of the legislative council on that subject.

The committee were of opinion that they in their legislative capacity, have to confine themselves to three particulars 1st. Have the issues been kept within the limits of the charter? 2d. Is the institution circulating nothing but a sound currency? 3d. Has it accounted punctually for all the tax due the territory? All of which your committee report has been strictly adhered to; for which reason your committee have no hesitation in saying that they believe the institution is entitled to public confidence.

Respectfully submitted by,

N. BYRD, *Chairman of com.*
The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,

February 11th 1832.

Sir—I have attentively examined the amended bill entitled "An act to incorporate the Central Bank of Florida." The amendments made to the original bill since its former rejection, do not remove all the objections entertained to its details, and this consideration, together with the general grounds stated in my former communication on this subject, given additional force by the passage of the act incorporating the Magnolia Bank, since, induces me again to return this bill to the council rejected. The alteration limiting the duration of the charter to 1850, is inconsistent with its other provisions. The whole amount of capital cannot be paid in, within this period under the regulations of this bill.

I would respectfully request the notice of the council to the second

sheet of this enrolled bill. Laws thus erased and obliterated cannot be received and filed in the secretary's office.

I am respectfully,

Your obedient servant,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the Council.

Thereupon the act was reconsidered and passed by the requisite majority: Mr. President and Messrs Baltzell, Booth, Cooper, Fitzpatrick, Hunt, Nuttall, Pope, Priest, Robiou, Sanchez, and Warren—12 voting for; and Messrs Byrd, Love, and Wright—3 against it.

The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,

February 10th 1832,

SIR—I herewith return to the council the bill entitled, "An act to repeal an act to declare spring creek, commonly known as Robinson's spring creek, in Jackson county, a navigable stream."

I confess I cannot conjecture the necessity for the original law, for it seems to me, that whether a creek is "a navigable stream" or not, is ordinarily a mere question of fact, which the declaration of the legislature can not alter either one way or the other, but as I am to presume good causes were adduced for the passage and approval of that law, and as no convincing reasons showing the necessity of the repeal have been presented to me, I return this bill rejected.

I am, Sir, respectfully,

Your obedient servant,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the council.

The act was reconsidered and lost; Mr. President and Messrs Booth, Fitzpatrick, Hunt, Nuttall, Robiou, and Wright—7 voting for; and Messrs Baltzell, Byrd, Cooper, Love, Pope, Priest, Sanchez, and Warren—8 against it.

The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,

February 10th 1832.

SIR—I return *rejected* the following divorce bills.

1. An act for the relief of Alfred Evans.
2. An act for the relief of Mary Canady.
3. An act for the relief of Isaiah Dykes.
4. An act to divorce John Darby from his wife Teresa.

For the reasons contained in a former communication in reference to similar bills, to which I respectfully refer the council. To the second bill I find an additional objection in the phraseology of the preamble.

I am, Sir, respectfully,

Your obedient servant,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the council.

The acts were reconsidered and severally read and passed; Messrs Baltzell, Booth, Byrd, Cooper, Hunt, Love, Nuttall, Pope, Priest, Robiou, and Warren—11 voting for; and Mr. President, and Messrs Fitzpatrick, Sanchez, and Wright—4 against them.

The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,

February 10th 1832.

SIR—I have approved, signed, and filed in the secretary's office—

1. An act to alter and amend the several acts relating to roads, highways, and bridges, in this territory.
2. An act relating to crimes and misdemeanors.
3. An act to incorporate a company to be called, the St. Andrews and Chipola canal company.
4. An act to prevent the further migration of free negroes, or mulattoes, into this territory, and for other purposes.
5. An act to incorporate the Leon Railway company.
6. An act regulating the mode of issuing out writs of error and prosecuting appeals in the court of appeals, of the territory of Florida.
7. An act to authorise James Riz, to establish a ferry across St. Johns river, at a place called Picolati.
8. An act regulating the fees of certain officers.
9. An act concerning the public archives.
10. An act, in addition to the act for the relief of William Ar-gyle.
11. An act to provide for the division of estates.
12. An act to fix the time of holding the superior courts in the western district of this territory.
13. An act to incorporate the trustees of Bethel Academy.
14. "An act to provide for the more effectual settlement of accounts between the Territory and individuals."
15. "An act for the relief of John Caruthers."

I am respectfully yr. obt. servt.

Hon. A. Bellamy,

President of the Council.

J. D. WESTCOTT Jr.

Mr. BYRD from the committee on enrolled bills, reported correctly enrolled, "an act to provide for laying out the school lands in this territory."

"An act to compensate persons for killing wolves."

"An act to prescribe the mode of summoning Grand and Petit Jurors."

"An act to amend an act to impose a tax on Hawkers and Pedlars."

"An act to alter the Southern and Western boundary line of Jackson county."

An act concerning attachments.

An act concerning executions.

An act to establish a ferry across Blackwater river at or near its junction with the Black water bay.

An act concerning proceedings before Justices of the Peace and regulating appeals and writs of error.

An act respecting the public property at St Marks.

An act to amend an act concerning wills, letters testamentary and the duties of executors, administrators and guardians.

An act to provide for the speedy settlement of all demands due the Territory of Florida.

An act to amend an act to raise a revenue for the territory of Florida.

The President presented the following communication from the Acting Governor.

EXECUTIVE OFFICE, }
Tallahassee, Feb. 11, 1831. }

Hon. A. Bellamy,

SIR—I have rejected the bill entitled an act concerning the election of members of the Legislative Council, for the reason that I regard the disqualification it contains in relation to officers of the United States as conflicting with the Organic laws, although I entirely agree with the majority of the Council in regard to the policy of such disqualification.

Respectfully &c.

JAMES D. WESTCOTT, Jr.

The act was reconsidered and lost, Messrs. Baltzell, Cooper, Fitzpatrick, Pope, Priest, Robiou, Sanchez, and Warren—8 voting for and Mr. President, and Messrs. Booth, Byrd Hunt, Love, Nuttall and Wright 7 against it.

The following communication from the Acting Governor was also presented.

EXECUTIVE OFFICE. }
Feb. 11th 1832. }

SIR—I return rejected a bill entitled an act to amend an act to impose a tax on Hawkers and Pedlars, in this territory.

The tax imposed by this law on Hawkers and Pedlars will have the effect of totally excluding them from our Territory. In those sections where the settlements are sparse, and where the country people have to travel a considerable distance to stores, they are of essential convenience. I see no necessity or any reason of policy for such exclusion. It might probably be of some benefit to a few store keepers, but I am not satisfied it would be to the people generally.

Respectfully &c.

JAMES D. WESTCOTT Jr.

Hon. A. Bellamy,

The act was reconsidered and passed by the requisite majority. Mr. President and Messrs. Baltzell, Booth, Byrd, Cooper, Fitzpatrick, Hunt, Love, Nuttall, Pope, Priest, Robiou, Sanchez and Warren—14 voting for; and Mr. Wright against it.

Mr. SANCHEZ offered the preamble and resolutions following, which were read and laid on the table.

Whereas the population and wealth of the territory of Florida, do in the estimation of the Legislative Council, entitle her to benefits equal to those which have been conferred upon any other territory in the union; and whereas this Legislative Council are

well satisfied that their legislation would be more perfect and more conducive to the welfare of the people of Florida, if they had another Legislative body.

Be it therefore resolved by the governor and legislative council of the territory of Florida, That our delegate in Congress be, and he is hereby requested to use his best endeavours to procure the passage of a law organising the legislative power of this territory in the same manner, in which that of the territory of Arkansas is organised.

Be it further resolved, That the acting governor transmit a copy of this preamble and resolution to the delegate in Congress.

Mr. FITZPATRICK offered the preamble and resolutions following, which were read and adopted.

WHEREAS, it is the opinion of the majority of this legislative council, that officers of the general government, and foreign consuls, and agents, ought to be excluded from holding a seat in the legislative council of this territory.

Be it further resolved, That our delegate in Congress be requested to urge the passage of a law in that body, disqualifying persons holding offices under the government of the United States, and foreign consuls, and agents, from holding a seat in the legislative council of this territory.

Resolved further, That a copy of this resolution be immediately forwarded to our delegate in Congress.

The following communication from the acting governor was presented by the President.

EXECUTIVE OFFICE, TALLAHASSEE, }
February 11th 1832. }

SIR—I have rejected the bill entitled, "An act to provide for the election of a county seat in Jackson county," for the following reasons.

1st. The citizens of the county of Jackson have been divided for several years past, upon this very subject, and the town of Marianna was finally fixed upon, and the most commodious and best court house in the territory erected, and I am averse to disturbing the quiet of the county by raising the question again if it can be avoided, consistently with their interests.

Had I anticipated the agitation of it, when the bill for forming Fayette county was under consideration, it would have formed an additional objection to that act. The division of the county is the only ground for this bill, and I do not think it is sufficient to call for its passage at this time. If the people after they experience the effects of the division, should desire a change, it will be time enough to pass such a law next session, on memorials from them for that purpose. If they should not acquiesce in this decision, the passage of this law will create obstacles to a restoration to their former situation, which should not be made without absolute necessity.

2d. I think the provision in the second section, that the county officers shall reside at the seat of justice, should be stricken out. The clerk of the county should perhaps reside at the seat of justice, but there is no necessity for all the other officers being

bound to do so, and it is not made necessary with respect to any other county.

I am, Sir, very respectfully,
Your most obedient servant,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the council.

The act was reconsidered amended—read as amended and passed.

The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,
February 11th 1832. }

Hon. A. BELLAMY,

SIR—I return a bill entitled, “An act to amend the several acts incorporating the Bank of West Florida, and for other purposes” rejected. My first objection is to the provision that the notes heretofore issued by the Bank, and which are payable at the present Banking house in Marianna, shall after the removal of the Bank, be payable at Appalachicola which I conceive to be a violation of the rights of those holding the notes, to whom it may be inconvenient to demand payment at the latter place. But I especially object to the third section of this bill, which provides—“That whenever suit may be brought by or against any Bank in this territory on bond, bill note, or other contract, a trial shall be had at the first term, unless good cause be shewn on affidavit to grant a continuance.” I know of no good reason for the extension to Banks of this extraordinary privilege, and I am opposed to granting a power, which may be used to oppress the people.

I am respectfully,

Your most obedient servant,

JAMES D. WESTCOTT, Jr.

The act was reconsidered, amended—read as amended and passed.

The President presented the following message from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,
February 11th 1832. }

Hon. A. BELLAMY.

SIR—I return a bill entitled, “An act to amend an act to provide for the compilation and publication of all the statutes of this territory” rejected. The act of last session provided—“that all the statutes of this territory from its organization, be published in one volume” and the council made application to Congress to defray the expense of such publication. Such publication would cost treble the amount of the “digest” proposed to be published by this law, and it would not be acting in good faith on the part of the council to apply money appropriated by Congress, for one purpose, to another of a different character. Indeed it is believed that Congress would make no appropriation for the printing of a Book of so temporary a character as the digest proposed by this bill, and which would be useless except to members of the bar, and to them, for at most, only

two years after its publication. Of the necessity of the publication proposed by the statute of the last session, the council were then well convinced; it formed the subject of a special message of the governor, and was recommended by the judges of the court of appeals. I will not reiterate the arguments then used, except to state the act, that printed copies of the statutes of at least three sessions of the council, containing some of our most important laws, are very scarce throughout the territory, and in some parts are not to be found at all.

I enclose to the council the message of the governor to the last council on this subject, and, also, sundry documents, of which I respectfully request the consideration. I would observe also, that arrangements have been made for the publication as proposed by the act of last session, which cannot be abandoned without injustice to those concerned.

I am respectfully,

Your obedient servant,

JAMES D. WESTCOTT Jr.

The act was reconsidered and lost—Messrs. Baltzell, Love, and Pope—3 voting for; and Mr. President and Messrs. Byrd Cooper, Fitzpatrick, Hunt, Nuttall, Priest, Robiou, Sanchez Warren and Wright—11 against it.

The House then adjourned until to-morrow 10 o'clock.

FEBRUARY 12.

The House met pursuant to adjournment, and a quorum being present, the minutes of yesterday were read.

Mr. WARREN introduced a bill to be entitled, an act to repeal an act to authorise W. Clements to establish a ferry over the Suwannee river, which was read 1st, 2d, and 3d time and passed: ordered that the title be as aforesaid.

Mr. BYRD introduced a bill providing for the compensation of the officers of the legislative council, which was read a 1st and 2d time and committed to a committee of the whole, Mr. Robiou in the chair, who reported progress—the report was received and the bill committed to Messrs Booth, Fitzpatrick, Robiou, Sanchez, and Wright.

The preamble and resolution offered by Mr. Sanchez on yesterday were read adopted.

Mr. NUTTALL offered the resolution following which was adopted.

Resolved, That the council chamber, be placed in charge of the commissioner of Tallahassee during the recess of the council, to be appropriated to the use of divine worship—Messrs Baltzell, Booth, Hunt, Love, Nuttall, Robiou, Pope, and Wright—8 voting for; and Mr. President, and Messrs Byrd, Cooper, Fitzpatrick, Priest, Sanchez, and Warren—7 against it.

The President presented the following message from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE.

February 12th 1832. }

SIR—I return to the council rejected, a bill entitled, “An act concerning proceedings before justices of the peace, and regulating appeals and writs of Certiorari.” Some of the objects of the bill appear as far as they can be gathered from it, by me, to be good, but the bill is very imperfectly framed, and there are some of its provisions which I think will be injurious.

It is owing, perhaps, to chir graphical errors, but the concluding

clause of the first section, appears to me to be confused.

To the second section there is no objection with me, except its looseness of phraseology.

To the 3d section authorising, or rather compelling, a reference to arbitrators at the instance of one party, I particularly object. This practice has been adopted in some of the States, and failed in good results. I would much rather rely upon the trial by jury, or by the justice of the peace for a correct decision, than a tribunal formed as this is, to be. Each party in most cases will choose some particular friend of whose partiality for him he is certain, these persons will not, of course, agree and the decision will fall upon the umpire named by the justice. If parties wish to arbitrate they can do so, without this law, and I think the best way is to let them do so or not as they wish. No provision is made for swearing the referees, how they shall proceed in the case,—who is to swear the witnesses, nor if one referee refuses to serve, how his place is to be supplied.

The fourth section is objectionable for these reasons. The justices' districts are by law to be prescribed by the county court, and the law also, limits the number to be appointed in each district to two. The executive has no knowledge of the location of these districts; for no information of them is communicated to him by the county clerk, and consequently the appointments have been so made, that while some districts have three or four justices, others have none.

His act speaks of "summons" and "warrant" as synonymous, and it does not appear that it is to apply to suits commenced by "attachment" before justice of the peace.

I am, Sir,

Yours respectfully,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the Council.

The act was reconsidered and committed to a committee of the whole, Mr. Cooper in the chair, who reported the same with amendments, the report was received and the bill was read and passed.

The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,

February 12th 1832.

SIR—The two divorce bills entitled,

1. "An act for the relief of Mary Rhymes."

2. "An act for the relief of Sarah Stafford."

Are returned rejected for the reasons stated on rejecting other similar bills this session.

Very respectfully,

Your obedient servant,

JAMES D. WESTCOTT, Jr.

Hon. A. BELLAMY,

President of the Council.

They were reconsidered and passed by the requisite majority: Messrs Baltzell, Booth, Byrd, Cooper, Hunt, Love, Nuttall, Pope, Priest, Robion, and Warren—11 voting for; and Mr. President, and Messrs Fitzpatrick, Sanchez, and Wright—4 against them.

The acting governor also, informed the House that he had approved signed, and filed in the secretary's office:—

An act to amend an act to incorporate Bank in the town of Magnolia.

An act for the speedy settlement of the Tallahassee fund.
An act to amend the several acts incorporating the Bank of West Florida.

An act to provide for repairing and finishing the capitol and improving the square.

An act for the protection of the fisheries of Florida, &c.

An act to repeal an act to authorise Clements to establish a ferry over the Suwannee.

An act to provide for leasing out the school lands in this territory.

An act respecting the public property at St. Marks.

An act to amend an act concerning wills, letters testamentary and the duties of executors, administrators, and guardians.

An act to provide for the speedy settlement of all arrears due the territory of Florida.

An act to amend an act to raise a revenue for the territory of Florida.

An act to amend an act to regulate proceedings in chancery.

An act to incorporate the town of Jacksonville.

An act to establish a ferry across Blackwater river, at or near its junction with Blackwater Bay.

An act to alter the southern and western boundary line of Jackson county.

An act to compensate persons killing wolves.

The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,

February 12th 1832.

Hon. A. BELLAMY.

SIR—I have approved, signed, and filed in the secretary's office, the amended act entitled, "An act to provide for the election of a county seat in Jackson county," one of the objections to said act having been removed by amendment, and being assured by the representatives of the county, that the other provision objected to, is conformable to the wishes of the citizens of that county.

I am, respectfully,

Your most obedient servant,

JAMES D. WESTCOTT, Jr.

The following acts passed by the requisite majority, had, he informed the House, been filed in the secretary's office.

An act to incorporate the Central Bank of Florida.

An act for the relief of Alfred Evans.

An act for the relief of Isaiah Dykes.

An act to divorce John Darby from his wife Teresa.

An act for the relief of Mary Cannaday.

An act to amend an act to impose a tax on Hawkers and Pedlars.

The President presented the following communication from the acting governor.

EXECUTIVE OFFICE, TALLAHASSEE,

February 12th 1832.

SIR—I have considered the following acts:—

1. An act concerning executions.

2. An act to prescribe the mode of summoning grand and petit jurors.

3. An act concerning attachments.

These acts were delivered to me on yesterday. They are all lengthy, and the details complicated. I regret the time afforded previous to the adjournment of the council, will not suffer me to make that full examination of them, that I should wish. There are provisions in each of these laws, the policy of which is not clear to my

kind. Those in the acts concerning executions and attachments, I am careful are of too rigorous a character for the people of this territory. But as these three acts have received in their course through the council, strict and deliberate consideration, I have thought that it would be the most proper under all circumstances to defer my opinion to that of the council, and not to withhold my approval of them, and I have accordingly signed, and filed them in the secretary's office.

I am, Sir, respectfully,

Your obedient servant,

JAMES D. WESTCOTT, JR.

Hon. A. BELLAMY,

President of the council.

The following nominations were made by the executive, and confirmed by the House.

FOR MOSQUITOE COUNTY.

David R. Dunham, P. Justice.

FOR ALACHUA COUNTY.

Henry Parkinson, Thomas Ledwith, Horace Smith, Joshua Stafford, Francis R. Sanchez, and Augustus Steele—Justices of the Peace. Augustus Steele, and Charles Waldon,—Notaries Public. Charles Waldon, and J. B. Benjamin—Auctioneers.

FOR FAYETTE.

Obed E. Murray, P. Justice, Peter Simmons, Bird, John Hopson, Joel Hammitter, Joseph Jerrison, John W. justices of the Peace, Lyman Kellog—Notary Public. Joseph R. Betton—Auctioneer Green Pattason—Sheriff. Joseph R. Betton—Coroner. Ivory Perry—Clerk C. Court. James Mills—County Surveyor. Ben. F. Perry, Lyman Kellog, Joseph R. Betton,—Inspectors of Lumber. Wm. S. Pope, Bucknor James, and Joseph Patterson—Trustees of S. Lands.

FOR ST. JOHNS.

E. B. Gould, Pres. Jus. James Riz, John Gray, Jr., Jos. Delespine, Danl. Hurlbert, Antonio Alvarez, Antonio J. Triary, Jus. Peace; Jos. Delespine, Jno. C. Cleland, N. Pub.; and Frs. Marin, In. of Lumber.

FOR JACKSON COUNTY.

Addison Mandell, Pres. Jus.; Tho. M. Bush, Hector M'Neil, Jas. Brown, Ben. Holden, E. I. Bower, R. L. Watson, Geo. S. Hawkins, John Britt Jr., O. Williams, Henry Trappe, Lewis Holland, Benjamin Hogg, and W. J. Mauldin, J. Peace; E. J. Bower Not. Pub.; H. N. Nowland and Amos Ury, auctioneers; Joseph Wachob, H. O'Neil, and H. B. Crews, Trustees S. Lands.

FOR GADSDEN.

W. B. McCall, D. G. Rainey, A. G. Sweet, and Danl. M. Hinson, J. Peace; D. G. Rainey Notary Public; M. McAswell, auctioneer, Archibald Smith, John Edwards, and William Norwood, Trustees S. Lands.

COLUMBIA.

Abel G. Loper, Pres. Just.; C. H. B. Collins, Robert Brown, Jacob